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HISTORY
OF
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OF
WISCONSIN.

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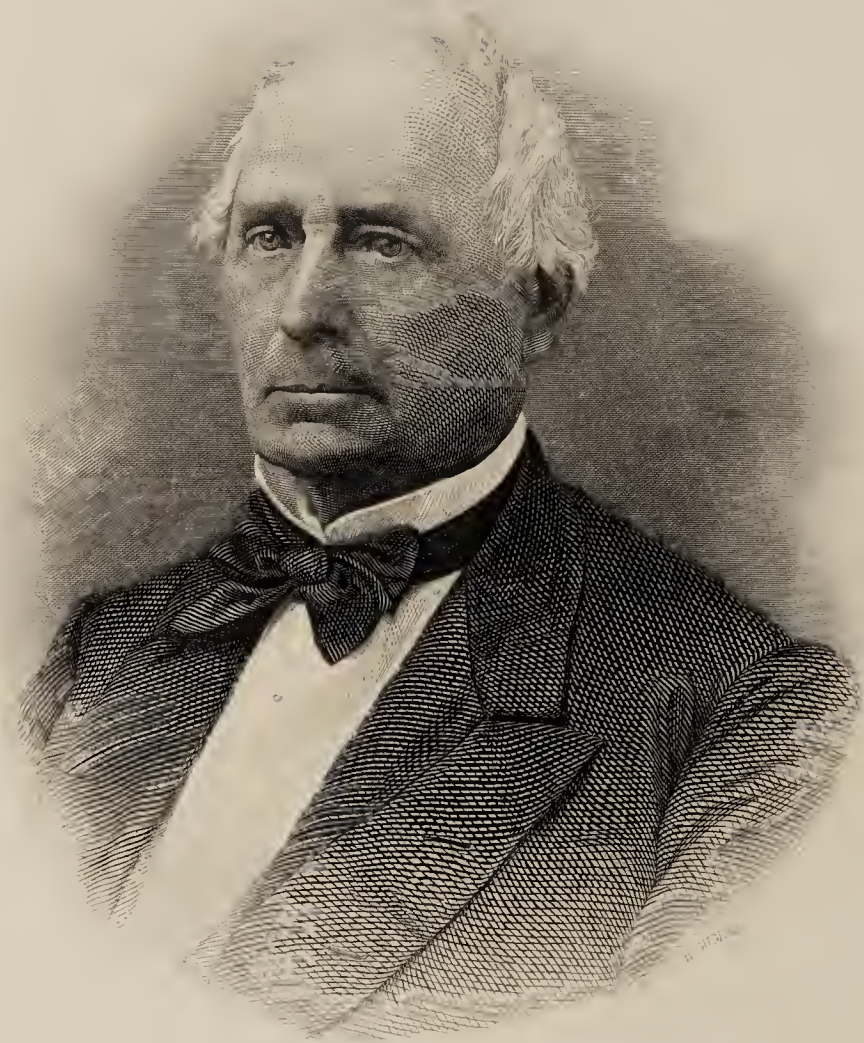
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THE MILWAUKEE LITH & ENG CO

A. G. Miller

HISTORY OF THE BENCH AND BAR OF WISCONSIN

VOLUME II.

CHAPTER XIV.

THE FEDERAL COURTS IN WISCONSIN.

THE DISTRICT OF WISCONSIN AND THE EASTERN DISTRICT.

When Wisconsin was admitted into the Union as a state in June, 1848, it was made by the act of Congress one judicial district of the United States to be called the district of Wisconsin. A district court was required to be held therein, to consist of one judge, who should reside in the district and be called the district judge. The district was not attached to, or made part of, any federal circuit; but the act provided that the district judge should have and exercise the same jurisdiction and powers in his district vested by law in the circuit courts of the United States—except jurisdiction of appeals and writs of error—its decisions being subject to review only by the supreme court of the United States.

ANDREW G. MILLER.

Andrew Galbraith Miller, who, from November, 1838, had served as territorial judge, succeeding Judge Frazer in that office, was appointed district judge of the new district, and for fourteen years discharged all the functions of the federal judiciary in the state. His decisions during all this time were virtually the end of the law for litigants,

as the difficulties and expense of appeal to the only court competent to correct his errors, sitting at the national capital, were in most cases insuperable. The business of the court embraced the whole range of federal jurisdiction, legal and equitable, including patent cases, cases in admiralty and bankruptcy, and all actions and prosecutions arising under the revenue and criminal statutes of the United States. The large and nearly absolute power vested in the district judge could not fail to excite the jealousy of lawyers and their clients, especially those living at a distance from the seat of justice. This feeling was greatly increased by the fact that eastern merchants found the court, and its process and officers, efficient help in enforcing payment of their demands by delinquent debtors. It is just to say that during this period the great powers of the court were exercised with signal ability and a sincere purpose and effort to do equal and exact justice within the rules and limitations of the law. The court had to deal with questions of the gravest importance. In 1854 an effort to enforce the odious fugitive slave act of 1850 led to a series of proceedings in the federal courts and the courts of the state which assumed national importance and contributed not a little to preparing the way for the conflict of arms between the free and the slave states in 1861. A negro named Glover, claimed by one Garland of Missouri to be his fugitive slave, was arrested by a United States deputy marshal at his home in Racine county, under process issued by the district judge, and was brought to the jail of Milwaukee county. The news of the arrest quickly spread, and it was reported that the negro had been roughly beaten by his captors, and might be turned over to the supposed owner and hurried out of the state without a public examination. A crowd of excited and sympathetic citizens was drawn together in the courthouse park by the efforts of two or three men—Sherman M. Booth and John Rycraft being the most active—and after listening to brief addresses, proceeded to break into the county jail and liberate Glover and aid his escape from United States territory. The chief rescuers, Booth and Rycraft, were prosecuted criminally in the district court for violation of the act of Congress for the rendition of fugitive slaves, and were both convicted. These trials excited the most intense interest, and were attended by crowds of citizens. The feeling

in the city against the law was very strong, and most of those who thronged the courtroom daily were in warm sympathy with the accused. Judge Miller presided with calm dignity and unflinching firmness and courage. He believed the law to be valid and his duty to enforce it plain under his official oath, whatever he might think of its wisdom or abstract justice. In these cases and others which grew out of the same rescue Judge Miller exhibited in a remarkable degree the qualities of firmness and unswerving devotion to duty as he saw and apprehended it, which always characterized him.

In 1859 bills were filed in the district court for the foreclosure of trust mortgages upon the road, property, and franchises of the La Crosse & Milwaukee railroad company, including the lands granted by Congress to the state and by the state to that company in 1856, to aid in the construction of portions of the road. These suits were the beginning of a prolonged struggle for the possession and title of the mortgaged property, in which every effort which the talent and skill of very able lawyers could suggest was employed to secure advantage, and, if possible, victory. Novel and intricate questions were pressed upon the court for solution. The management of the road by the court through its receiver, and the adjustment of conflicting equities between contesting claimants were matters of the gravest difficulty, and little help could be derived from the practice of other courts in like cases, for precedents at that day were few. Here the calm, deliberate and unruffled temper of the presiding judge was maintained throughout the contest. His decisions were often bitterly assailed. Appeal after appeal was taken to the supreme court, but he was rarely reversed. Feeling ran so high at one time that one of the parties interested attempted to set on foot impeachment proceedings. The effort, however, utterly failed for lack of the slightest evidence of improper conduct or unworthy motive in any official act of the judge.

Judge Miller's paternal ancestors came from the north of Ireland and were of Scotch-Irish stock. His mother's maiden name was Jane Galbraith, and she was of English ancestry. Both families emigrated to America in colonial days and settled in Pennsylvania on lands which they bought of William Penn. They were active in the struggle of

the colonies for independence and in the colonial army during the revolutionary war. Matthew Miller, father of Andrew G., served with the Pennsylvania militia in the Niagara campaign of 1814.

Born near the present site of Carlisle, in Cumberland county, Pennsylvania, on September 18, 1801, Andrew G. Miller was the eldest of a family of ten children. He prepared for college at an academy in his native town, matriculated at Dickinson college, went from there to Washington college of Pennsylvania, and was graduated from that institution September 19, 1819. He read law in the office of Mr. Andrew Carruthers, of Carlisle, Pennsylvania, and was admitted to the bar in 1822. His father died soon after and the care of the large family devolved largely upon him, a burden which he bore with cheerful, manly mien. In 1827 he married Miss Caroline E. Kurtz, of Harrisburg, Pennsylvania, whose father, Benjamin Kurtz, helped to establish the Lutheran church in America.

Mr. Miller practiced his profession in his own and adjoining counties with good success until 1838, and for three years held the office of attorney general. November 8, 1838, President Van Buren commissioned him associate justice of the supreme court of Wisconsin, to succeed William C. Frazer, deceased, and he at once repaired to his new field of work. He reached Milwaukee after a tedious journey of a month, took the oath of office December 10, 1838, and entered upon his duties, which he discharged with signal ability for many years.

After Wisconsin was admitted into the Union, in 1848, President Polk appointed him judge of the United States district court for the Wisconsin district, which then comprised all the territory in the new state, and so continued until 1870, when the state was divided into the eastern and western districts. Judge Miller was then assigned to the eastern district, and there continued his service, giving honor and dignity to his office and profession until near the close of his long and useful life. He had a high ideal of his profession and of what a lawyer should be; was always a close student, a profound thinker and reasoner, and to him, perhaps, more than to any other man, is this state indebted for the acknowledged high standing of her judiciary. He had a nobility and strength of character that nerved him to stand firmly by what

he believed to be right, and passion or prejudice were never known to swerve him from his fixed purpose to uphold and enforce the law. It is true that his decisions did not always accord with popular sentiment. But the fact that nearly all of his judgments that were reviewed by the supreme court of the United States were affirmed, sufficiently vindicates his course and establishes the soundness of his judicial opinions. Actuated as he was by high and pure motives, he endured adverse criticism and popular clamor, that at times rose to censure, unmoved. No man ever had more complete mastery of himself. Whatever he may have thought or felt at such times, he bore it patiently and made no sign. If at times he seemed unsympathetic and self-reliant, there was nevertheless running through his sedate temperament a deep undercurrent of feeling that only on rare occasions came to the surface. With him, constancy was an inborn quality; one could not have had a friend more faithful than was he, and his devotion to those near and dear to him was as beautiful as it was tender and true. He was a learned and sagacious judge and an upright and just man. In everything he recognized his responsibility to God and his dependence upon Him; and with simple, yet sublime, faith he leaned upon the scriptural promise, "If any man lack wisdom let him ask God that giveth to all men liberally and upbraideth not, and it shall be given him." In all personal and social relations he was genial and companionable and always mindful of his duty to others, bearing himself with a quiet, dignified and Christian mien that challenged admiration and respect.

After honoring his office for a period of thirty-five years, Judge Miller, on November 11, 1873, announced his determination to retire from the bench in the language following: "Two years ago, then of the age when federal judges are allowed to resign on a continuance of their salaries, I was inclined to accept the terms of the law, but being blessed with good health, and not having the plea of infirmity, in response to the expressed wishes of numerous highly respectable and influential gentlemen of all parties and professions, to retain my place, and not believing it proper to retire immediately upon arriving at the specified age, I concluded to continue in office until the expiration of thirty-five years from the date of my first commission. The time set for my resig-

nation has arrived, and I make the announcement to the president of the bar association that this day I resign the office of district judge of the United States for the eastern district of Wisconsin, to take effect on the first day of January next. An earlier day for my retiring would be agreeable to me, and should have been set, but for an amount of business pending, or submitted and not disposed of, which requires my attention in the meantime.

"I am the oldest federal judge in commission and the sole surviving judge who administered the bankrupt act of 1841. As judge of the territorial supreme court, I attended its annual terms at Madison and held the district courts in the third district of the territory, which, before the admission of the state into the Union, was composed of nine counties, and also the terms of the district court as judge of the United States, without missing a term from sickness or any other cause.

"Although the infirmities of age cannot be pleaded as an excuse for my resignation, yet after passing fifty-four years of my life in the law, as a student in a law office, as a member of the bar, and, as a judge, thirty-five years of the time in public service, I hope that the members of the bar and my fellow-citizens generally may approve of my retiring from official duty in the evening of my days.

"I love the legal profession and esteem the worthy practitioner as holding the most honorable position in the country. And I shall retire with thankfulness to the bar for the aid they have rendered me by their briefs and arguments in my judicial investigations, and with my best wishes for their prosperity and happiness."

In accordance with this announcement he retired from the bench in the full vigor of his mental and physical powers, carrying with him the highest esteem of those who had been associated with him in his official relations; of the members of the bar whose professional duties had brought them into close contact with him; and of his fellow-citizens of all classes, who, by long acquaintance, had come to love him for his genuine worth. And all were united in the wish that he might live to enjoy in Milwaukee, the home of his adoption, the rich fruitage of his ripe experience and all the happiness of a peaceful, green old age. But he had fulfilled his mission. His work was done. Suddenly, and with-

out premonition, on September 30, 1874, while in apparent health, he was stricken down and his spirit took its flight to that bourne whence no traveler returns.

His decease was the occasion of universal grief that found expression in the highest tributes that a noble and honored life could inspire.

The following from the lips of the late Chief Justice Ryan but voices the universal sentiment regarding him: "From whatever point of view we look back upon Judge Miller's professional career in Wisconsin, it must be conceded that for the greatness of his office, for the remarkable length of his official life, for the public importance of his administration, for the vast aggregate of his judicial labors, few judges have higher claims to eminence. Think what men may of his administration, there was something grand in the lonely self-reliance and steadfastness of the man which none could fail to admire. Regardless of all outcry, he held his way, and so he appeared to others arbitrary when he was only true to his own sense of the duty and dignity of his office. And I am happy to be a witness to my own belief, founded, I think, on thorough knowledge of the man and his administration, that Judge Miller left the bench without a sense of wilful wrong done upon it."

Judge Miller was a consistent member of the Episcopal church and carried his religion into all the concerns of his daily life. He feared God and loved his fellow-men. He was domestic in his tastes, and loved his home, and under its genial influences the austerity of the bench relaxed and he appeared the devoted husband, the kind, indulgent father and the faithful companion.

Judge Miller served as district judge until January 1, 1874. He was succeeded by

JAMES H. HOWE.

Mr. Howe was born in Turner, Maine, December 5, 1827, and received his general education at academies in that state. He read law with Bradley & Eastman at Saco, Maine, and Timothy O. Howe, at Green Bay, Wisconsin; was admitted to the bar there in 1848. He practiced his profession in partnership with the latter and with Mr. Norris, also a resident of Green Bay. He was general solicitor for the

Chicago & Northwestern railway, with headquarters at Chicago; was attorney general of Wisconsin from January 2, 1860, until October 7, 1862. He resigned that office and became colonel of the thirty-second Wisconsin volunteer infantry, serving with his regiment till some time in 1864. He was commissioned United States district judge for the eastern district of Wisconsin January 3, 1874, and resigned that office January 1, 1875. His death occurred in 1893. It was understood that he accepted the judgeship as a relief from the strain of professional labor; but judicial life and duties proved less congenial than he expected. He is said to have been a courteous gentleman and a sound and able lawyer.

Judge Howe's successor was

CHARLES E. DYER.

In the annals of the bench and bar of the country there are few men whose personal, professional and thoroughly reliable character was so fixed from early manhood as that of Charles E. Dyer, judge for thirteen years of the United States district court for the eastern district of Wisconsin, and now general counsel of the Northwestern Mutual Life Insurance Company. He is a native of the state of New York, and was born in the town of Cicero, Onondaga county, on the 5th of October, 1834. Dr. Edward G. Dyer, his father, was a pioneer of the west and a physician well known in southern Wisconsin long before it had assumed the dignity of statehood. Emigrating from New York to Ohio in 1835, he evidently believed that his destiny lay in the country even further to the west, for, as early as 1836, he explored much of the region with which, after its settlement, he became identified in the practice of his profession. At this time, before the establishment of any regular passenger service by water, he came on horseback from Ohio to Chicago, and walked the entire distance from Chicago to the place in Wisconsin territory which afterward became his home, now known as Burlington, Racine county. He followed Indian trails, or the instructions of stray settlers, and spent the first night of his arrival in a shanty on the bank of the Fox river. Dr. Dyer was so pleased with the prospects of this locality that, in 1839, he returned with his family and



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Charles E. Dyer

located in what had by this time become a little settlement, then known as Foxville. Here he lived until 1888, dying in September of that year, full of years and honors as a physician and prominent member of the community of which he was one of the principal founders.

Judge Dyer's paternal ancestry comes of that branch of the family which settled originally in Rhode Island and was transplanted to Vermont. Some members of the Rhode Island family were connected collaterally with Roger Williams, the founder of the state and the father of religious liberty in America. One of the ancestors of the subject of this sketch, in the direct line, was Mary Dyer, who was hung for heresy on Boston Common, June 1, 1660. Dr. Dyer's mother was Mary Galusha, a relative of Jonas Galusha, one of the early governors of the Green Mountain state.

Dr. Dyer's wife, before marriage Ann Eliza Morse, daughter of William Morse, was of an old Massachusetts family. Her father was born in the Old Bay state in 1780, removed to Ohio in 1834 and died in 1845. Mrs. Dyer died in 1880, when Racine county, which was but a frontier district when she first settled in Burlington, had become thickly populated and among the most prosperous sections of the northwest. Both Dr. and Mrs. Dyer were pioneers combining the hardihood and intelligence which have done so much to make Wisconsin a commonwealth of distinction in the sisterhood of states.

It was in the rude log cabin which was his first home in Burlington that the son was taught to read by this pioneer mother. The evening light by which the instruction was imparted was usually furnished by the blazing logs heaped in the rude fireplace. It is stated that, after mastering his primers, the boy's first attempt at continuous reading was, with maternal assistance, to decipher the sixth chapter of Matthew and the twenty-third psalm. He afterward attended the district schools of the locality, acquired such knowledge of the higher mathematics and Latin as the limited advantages of that early day afforded, and from natural inclination became a diligent student of history and general literature.

At the age of fifteen he left home to learn the printer's trade in the office of the "Western Citizen," an anti-slavery paper published in Chi-

cago by Zebina Eastman. For nearly two years he faithfully served his employer as devil, compositor, paper-carrier and news-writer. He had been apprenticed for four years at a salary of \$50.00 for the first year, \$62.50 for the second, \$75.00 for the third, and \$100.00 for the fourth, with board included. But, as Judge Dyer bluntly expresses it, he "didn't like the business, broke the contract and quit." He yet has a copy in print of the New Year's address which he sold on the streets of Chicago, January 1, 1850, with the profits of which he bought a new suit of clothes. Returning home he commenced the study of phonography (Pitman system) and became sufficiently expert to write one hundred and seventy-five words a minute. This accomplishment was the stepping-stone to his professional career.

Again leaving home, in the autumn of 1851, he removed to Sandusky, Ohio, entering the office of Rice Harper, a family friend, and then, as well as for a number of years afterward, clerk of the court of common pleas of Erie county. While thus employed he adopted courses of reading and study in the classics, the higher mathematics and history, pursuing these lines of investigation in connection with his daily work. It is this persistent self-culture, an early trait of Judge Dyer's character, which sharply defines the uncommon from the average man.

While in Mr. Harper's office he became acquainted with Ebenezer Lane, who was formerly a judge of the Ohio supreme court, and who had taken a deep interest in the welfare of the studious youth, already evincing such unusual traits of a mature mind. Judge Lane strongly advised him to take up the study of law, throwing open his extensive library to him, as well as placing him under the especial tutorship of his son, William G. Lane. In 1857, after an invaluable training of three years, he was admitted to the bar, entering into partnership with Walter F. Stone, afterward one of the judges of the supreme court of Ohio, and with whom he had also previously studied. He thus continued in the practice of his profession in Sandusky, Ohio, until January, 1859, when, deciding that the west was the place for a young man who had determined to hew out for himself an independent career, he came to Wisconsin and established himself at Racine, where he resided until he earned

a reputation second to no member of the bar for breadth and solidity of mind, both as a lawyer and a man of general information. Judge Dyer practiced alone until the autumn of 1864, when he formed a partnership with Henry T. Fuller, formerly of the firm of Strong & Fuller, which continued until February, 1875. On the 10th of that month President Grant appointed him United States district judge for the eastern district of Wisconsin. He held this position until May, 1888, when he resigned to accept that of counsel for the Northwestern Mutual Life Insurance Company. Since that date he has been identified with the affairs of this giant corporation, not only in his capacity as counsel, but as a trustee, and has made Milwaukee his home.

As United States district judge there has never been an occupant of the bench who has been more admired for his absolute fairness, his courteous firmness and the ability and breadth of his decisions, couched in language as admirable for its force and directness as it is classic in its diction. Assuming the duties of that high function with the hesitancy which is characteristic of the conscientious lawyer, however capable and learned, he brought to the accomplishment of his tasks the whole strength of his mind, with the old-time determination to spare no labor to make a record which his own conscience should approve. Hard work, steadily, persistently and methodically pursued, is the only explanation which he modestly gives for his splendid standing as a member of the bench and bar of Wisconsin. The duties of his position as district judge were constant and arduous. The first two years of his judicial work were largely employed in trying what were known as the "whiskey fraud cases," which became notorious throughout the country. His term of office covered a period which immediately preceded the creation of the present United States circuit courts of appeals, and, consequently, in most instances, except where the amount involved enabled the parties litigant to take appeals to the supreme court of the United States, his judgments were final, a fact greatly emphasizing the responsibility of the position. Moreover, under acts of Congress affording facilities (since restricted by subsequent legislation) for the removal of causes from the state courts to the federal courts, the dockets of the latter court in the eastern district of Wisconsin, as elsewhere, were large

and laborious. The volumes of the federal reports contain many of Judge Dyer's decisions in important cases, covering the field of bankruptcy, maritime, equity, corporation and commercial law, and are recognized as authoritative adjudications upon the questions involved.

Aside, also, from the chief record of his life, which has been made within the limits of his chosen profession, Judge Dyer served as city attorney of Racine in 1859 and 1860, and as a member of the assembly in 1867 and 1868. At the latter session he was chairman of the judiciary committee. Had he been so inclined, he might also have been called to serve his constituents in the national councils. Judge Dyer has always been a republican in politics, but not a partisan to the extent of yielding independent views and convictions to mere party allegiance. His first vote was cast in 1855 for Salmon P. Chase, as governor of Ohio, and his first vote for President, in 1856, was given to John C. Fremont.

Judge Dyer was married, on April 6, 1859, to Sarah E. Root, of Sandusky, Ohio. She was the daughter of Joseph M. and Mary S. Root, of that place, both of whom are deceased. Her father was a member of Congress during the Mexican war, holding that position three terms. Originally a whig, he became subsequently a prominent free-soiler, and in his time was one of the most distinguished lawyers in Ohio. As an orator and stump speaker he was esteemed the peer of Corwin. The children of Judge Dyer's family are William Buckingham, Joseph Root and Cornelia (now Mrs. Thomas L. Parker).

In his tastes Judge Dyer is simple and plain, and his habits decidedly domestic. By nature he has no ambition for prominence. He believes that the home is better than the club, the country purer and sweeter than the city. Fields, flowers, trees, the song-birds of the meadow, and brooks "o'erhung with wild woods, thick'ning, green," are companions he loves better than the struggles for gain and the ephemeral pleasures of cosmopolitan life. He has always been a lover and reader of books, and has acquired his wide information in the seclusion of personal study and by severe methods of self-discipline, observation and reflection. At an early age he began the formation of a library of carefully selected books, which now numbers nearly fifteen



John C. Bennett

hundred volumes. His favorite books and authors are the Bible, Shakespeare, Walter Scott, Burns, Emerson, Hawthorne, Thackeray and George Eliot. From all of which it may be truthfully inferred that Judge Dyer's domestic life is both serene and helpful, a constant inspiration, and calculated to keep him calm and self-poised in the midst of professional and business activities. He is not a subscriber to any creed, or articles of religious faith, but a firm believer in a Supreme Power, which executes unerringly and impartially the law of justice and right, with bestowal or infliction of the consequences of observance or violation of that law, whether by individuals or nations.

WILLIAM HENRY SEAMAN.

William H. Seaman, present judge of the United States court for the eastern district of Wisconsin, became the successor of James G. Jenkins, who had been promoted to the rank of circuit judge of the seventh judicial circuit. He was born at New Berlin, Waukesha county, Wisconsin, on the 15th of November, 1842. In 1841, his father, Williams Seaman, emigrated from Buffalo, New York, to Milwaukee, with a stock of goods, but the goods were lost by shipwreck, and he decided to locate at New Berlin, which was then in Milwaukee county, and on the outskirts of civilization. He there built a sawmill and the log house in which the son was born. Unfortunately, the mill burned in the winter of 1842-43, at which calamity he packed his household goods and removed his family to Milwaukee, taking up his trade as harness maker. The next year they moved to Ceresco, by ox team, and finally, in 1845, to Sheboygan, where Mr. Seaman continued to reside for many years, highly respected as citizen, tradesman and merchant.

The grandfather of W. H. Seaman was Williams Seaman, of Catskill, New York, for many years a state senator from Green county. Through him the paternal ancestry is English and Dutch.

Arelisle (Crane) Seaman, the mother of our subject, was of English Puritan ancestry, her forefathers being among the first settlers of Boston and she herself a native of Massachusetts. She was a woman of most refined character and lovable disposition and in Sheboygan was ever the leader in social, charitable and religious movements.

Judge Seaman has virtually passed his life as a resident of Sheboygan. He attended its public schools until he was sixteen years of age, learning the printer's trade afterward and following that occupation until the breaking out of the civil war. For two years previous to the opening of the rebellion, however, his evenings and spare time were devoted to the study of law, under the tutelage of Crosby W. Ellis, of Sheboygan. But with the firing of the first gun upon Sumter both work and study were abandoned, and on September 19, 1861, he enlisted as a private in company H, first Wisconsin volunteer infantry. At the expiration of his term of service, in October, 1864, he was mustered out as sergeant, and thereupon returned to the headquarters of the department of the Cumberland, where he continued to give his best services to his country and to General George H. Thomas until the close of hostilities enabled him to return to his home, in September, 1866.

Returning to Sheboygan, Mr. Seaman resumed his legal studies with J. A. Bentley, remaining in his office until his admission to the bar in June, 1868. He commenced practice as Mr. Bentley's partner, the firm being Bentley & Seaman, and continuing until 1876. Later, after Mr. Bentley became United States commissioner of pensions, Judge Seaman established, with Francis Williams, the firm of Seaman & Williams. This connection continued until the former's elevation to the bench of the United States district court, on April 3, 1893, to succeed Judge James G. Jenkins, an appointment which came entirely unsolicited and met with the universal approval of the bar, as a recognition of professional attainments and fitness.

As a lawyer, Judge Seaman's practice was general and in later years extended over much of eastern and northern Wisconsin. He was painstaking, firm in his grasp of salient points, clear in their presentation, and was of judicial mind, even as an advocate. One of the earliest cases by which he came into prominence was that entitled *Whiting vs. Fond du Lac County Supervisors*, involving the validity of bonds issued by the county in aid of the Sheboygan & Fond du Lac Railroad Company. Although it was held by the state supreme court that the grant for aid had called for public taxation in support of a private

enterprise, the United States supreme court overruled the decision and sustained the contention of Bentley & Seaman.

Mr. Seaman also successfully conducted the noted Ehle case. The aged testator, son and wife, and infant children had all perished in the fire which burned the homestead. The property was claimed by the maternal grandparents of the infants, on one side, and by the lineal heirs of the testator and son, on the other. Mr. Seaman represented the former and gained his case, although the evidence as to the order in which the deaths occurred (upon which point hinged the descent of the property) was purely circumstantial.

Since 1893 Judge Seaman has been president of the state bar association, and for several years preceding his elevation to the bench he served as regent of the state university. He is a member of the Grand Army of the Republic and has been a Mason since 1864. Although he has never abandoned the democratic party, he has held no political offices—in fact, his life has chiefly been occupied with the duties due to his profession and his family, with active interest in municipal and school affairs. One other exception to the rule should perhaps be noted in the interest which he also has taken in the development of the chair manufacturing industries of Sheboygan. He was one of the incorporators of the first factory of that kind established there (the Sheboygan Manufacturing company) and is now a considerable stockholder in the Sheboygan Chair company.

On December 17, 1868, a few months after his admission to the bar, Judge Seaman was married to Mary A. Peat, at Glens Falls, New York. Their children are Arelisle, Charles and Mary.

THE WESTERN DISTRICT.

This district, embracing the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Douglas, Dunn, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, St. Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn and Wood, was created June 29, 1870. The first judge was James C. Hopkins.

JAMES C. HOPKINS.

James Campbell Hopkins was born in Pawlet, Vermont, April 27, 1819. In his early life his father's family became residents of Washington county, New York. Up to the time of attaining his majority the son engaged in the labor of the farm. He attended an academy for a limited period of time, but otherwise enjoyed only such advantages as the common schools afforded. He began the study of law in 1840 with James McCall, and on being admitted to the bar opened an office at Granville, Washington county, New York, where he remained sixteen years. He served as postmaster there, and in 1853 was elected state senator; he served two years, being, for at least one session, a member of the judiciary committee. He was a candidate for re-election, but was unsuccessful. In 1856 he became a resident of Madison, Wisconsin, and soon thereafter formed a partnership with Harlow S. Orton, and later was a member of the firms of Orton, Hopkins & Firmin; Hopkins & Johnson, and Hopkins & Foot. He continued a practicing lawyer until he was appointed judge of the newly created United States district court for the western district of Wisconsin, in 1870, his commission being dated July 9. He held that position until his decease, September 3, 1877.

At a meeting of the bar held the next day, S. U. Pinney, Esq., presiding, a committee consisting of Harlow S. Orton, George B. Smith, William F. Vilas, J. C. Gregory and Henry M. Lewis was appointed to prepare resolutions commemorative of the character and services of the deceased, and I. C. Sloan was requested to present the same to the supreme court. The resolutions as adopted expressed "that in the death of our lamented friend the bench has lost an able and an upright judge, our profession one of its most honored and distinguished lawyers, society one of its most useful and respected members, and the state one of its best and most prominent citizens. That the community has seldom been called to mourn the loss of one so perfect in all the elements and accomplishments of manhood, whose mental structure and acquirements were so symmetrical and available; whose social qualities and manners were so agreeable and attractive, and who was alike able

and eminent as a lawyer and judge. He was cut off in the midst of his arduous judicial labors, and in the full maturity of his intellect and judgment, and when he had already achieved high honors and attained great success in the high position he occupied, with the promise and prospect of still greater usefulness and higher eminence in the future. Our memories of Judge Hopkins will always be agreeable. In all social relations he was ever courteous and kind, and it seemed to him a pleasure to render personal and professional favors. Upon the bench he was prompt, systematic, studious and attentive, patient and impartial, modest and forbearing, yet dignified and firm. He had great mental aptitude and vast and varied learning as a lawyer, uncommon mental strength and resources, readiness of apprehension and perception, clear and honest judgment, and remarkable powers of reasoning, analysis and discrimination in the investigation of all subjects and questions brought to the bar of his court or examined in judicial consultation."

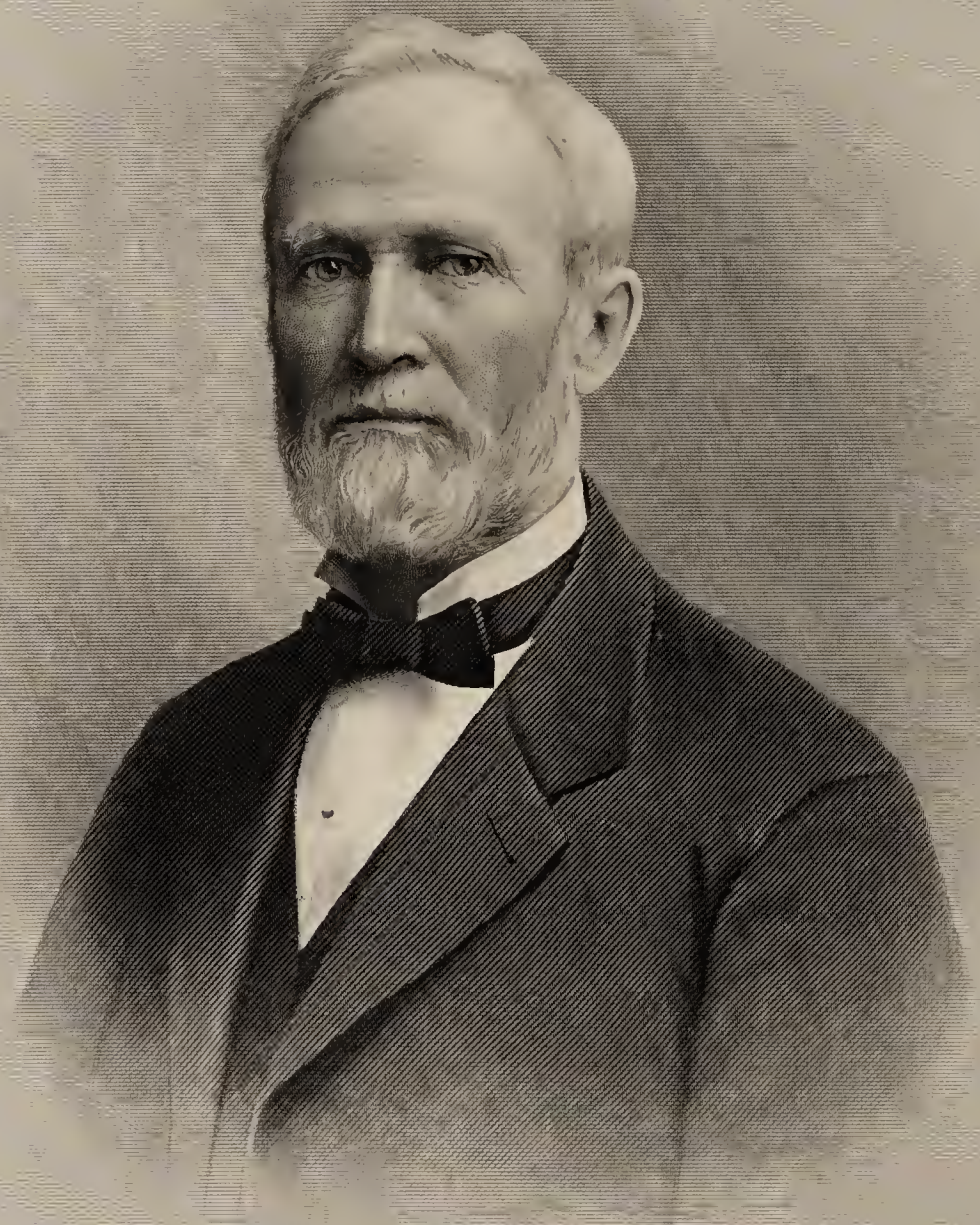
In presenting the resolutions of the bar to the supreme court, Mr. Sloan said, after reviewing Judge Hopkins' career: "Such a career indicates unusual qualities of mind and character. The resolution which he formed and executed on attaining his majority, of abandoning the labors of the farm for a professional life, shows that he possessed to a large degree self-reliance and decision of character. Subsequent events proved that in choosing the legal profession as his field of labor he exercised an intelligent judgment, and justly estimated his own intellectual resources and capacity. Having adopted that profession as the business of his life, he pursued it with an energy, industry and ability which could not fail to command success. He possessed naturally what is called a legal mind. He acquired a love for the investigation of legal questions; he had strong and clear discriminating powers in distinguishing cases and in examining and applying legal principles. One of the leading traits of his character, which contributed largely to his success, was his untiring industry, his love of labor in his profession. He was always, when there was opportunity, thoroughly prepared. His investigation of questions and cases submitted to his care was persevering and exhaustive. With no marked powers of eloquence or special gift of oratory, he could not command those brilliant qualities of the

eloquent advocate by which members of our profession sometimes rise rapidly to eminence and distinction.

"All his mental qualities were solid and consequently enduring. By industry, a determined will and naturally strong powers of mind, he rose steadily and surely to eminence in his profession. His whole professional life exemplified Burke's apothegm, that 'being diligent is the gate by which men must pass to knowledge and fortune.'

"By diligence and unremitting labor he had acquired a large store of legal knowledge, and was imbued with the spirit of a true lawyer, without which any real success in the profession is impossible. He regarded the law as a science founded on general principles, which could only be understood and rightly applied by laborious research and persevering deliberation. Practicing his profession at the capital of our state, he made his way into its front rank. When the western judicial district was created he had acquired such reputation and position that his appointment to the honorable judicial position which he held was regarded by the members of our profession and the people of the state as fit and appropriate to be made. As a judge he was affable, patient and just. During his judicial career he steadily rose in reputation and influence as a jurist. By the learning and ability which he brought to the discharge of his official duties he won the confidence and respect of the eminent judges of the United States courts, with whom, during certain recurring periods in each year, he was associated in the performance of his judicial labors; and he was called upon to occupy the bench of the United States circuit courts out of his district, in Indiana and Illinois, for considerable periods of time, which he did acceptably to the members of the bar and suitors in those courts, with a constant increasing reputation as a learned and impartial judge. . . .

"The published opinions of Judge Hopkins are characterized by force, clearness of reasoning, and by a full collection and just appreciation of authorities. He was removed by death while in the full possession of his intellectual vigor, and at an age when he might reasonably have expected to continue his judicial labors for many years. Had his life been spared his steady advancement in public esteem and judicial reputation while he was on the bench gave the highest assurance that



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Romano Dunn

his reputation as a jurist would be widened and grown until he would have taken rank among the distinguished judges which this country has produced."

ROMANZO BUNN.

The vacancy caused by the death of Judge Hopkins was filled by the appointment of the gentleman named.

For nearly thirty years Judge Bunn has honored the bench of state and nation, and has served as United States district judge of the western district of Wisconsin since October 30, 1877. He is a man of remarkable strength of mind and character, and his physical soundness is as remarkable as his intellectual. Although not of a robust constitution, his temperate habits and his love of exercise have ensured him uniform good health. In fact, during his long and arduous service upon the bench he has never lost an hour on account of sickness.

Judge Bunn has never indulged in the use of ardent spirits or tobacco. In a word, he has few indulgences, or, in his own language, there are few things beside hard work in which he indulges and which he enjoys, his principal recreations being fly-fishing, playing whist and bicycle riding. Characteristic, also, of the man, was his reply when asked to state to what causes he attributes success in his calling: "I suppose in general if a man succeeds it is because of the innate force he is born with. Aside from this, of which I cannot speak as regards myself, probably the moderate success I have had may be attributed to many concurring causes, among which the following may have played some part: Temperate habits, a not robust but rather tenacious constitution, plenty of outdoor exercise, with good health, a somewhat kind of dogged and unreasoning perseverance in plodding and a fair instinct for guessing at the truth."

Judge Bunn's long, useful and well-balanced life may also, in great part, be attributed to his faculty of thoroughly immersing himself in intellectual pursuits outside of his professional work. When a boy of sixteen he contracted the habit of reading the poets and dramatists of the Elizabethan age, and, when business does not press, it is still a never-failing source of instruction and delight for him to draw inspiration and strength at the fountain supplied by the genius of Chaucer, Milton,

Shakespeare, Beaumont, Keats and Tennyson. From these and from the English Bible he asserts that he has derived more comfort than from all other literature combined.

The salient facts in Judge Bunn's life are that he was born at South Hartwick, Otsego county, New York, September 24, 1829. His father, Peter Bunn, was a farmer, and is said to trace his ancestry from two brothers who came from Holland at an early day. Polly Ann Jackson (his mother in maidenhood) was of English and Scotch descent, her ancestors being with those who were of the Mayflower emigrants. Both his parents were persons of pronounced individuality, the father being a firm Methodist, a radical abolitionist and an occasional lecturer on temperance. He died at the comparatively early age of fifty-four.

In September, 1832, the family removed to Cattaraugus county, New York, and settled on a hundred-acre tract of heavily timbered land in the town of Mansfield, on the Holland Land purchase. There the boy resided on a farm, attending district school until he was sixteen years old, when (in the fall of 1846), he went to the Springville academy. That is, he attended school as he could; but, as his parents were very poor, he worked in the hayfield, harvested, cleared land, split rails, chopped wood, and otherwise "worked his way." For several summers he traveled on foot from Cattaraugus county to the Genesee valley to be on hand for the wheat harvest, carrying a favorite grain cradle on his back a distance of eighty miles, and (without having up to this time received credit for it in history) he is reported to have cut as many acres of wheat and oats, at three shillings an acre, and split as many rails and chopped as much wood, at twenty-five cents a cord, and peeled as much hemlock bark for the tanneries, as ever Abraham Lincoln did. His people being unable to assist him, in these ways he earned enough money to take him through school and to study law. He commenced to teach in East Otto, after he had been attending the Springville academy about three months. One of the proudest moments in his life was when the district trustees called upon him to announce that by vote of the board his wages had been raised from twelve dollars to thirteen dollars per month. This was especially gratifying, since it gave him an additional six and a half dollars with which to assist him through

the spring term of the academy. Thus, by working, by teaching school, attending school and taking a careful part in the exercises of the neighborhood debating clubs, he plodded along until the spring of 1849.

At that time, in company with Charles C. Willson, now and for many years a leading lawyer at Rochester, Minnesota, he went to Oberlin college, intending to continue his education there. After remaining a part of one term, however, they left school and settled in Elyria, Lorain county (in which Oberlin is situated), where they began the study of law in the office of McCacheron & Myers. After a short time, in the fall of 1849, they returned to New York in order to teach school during the winter term. Judge Bunn continued his legal studies with Addison G. Rice and Harmon & Wood, at Ellicottville, until the fall of 1853, when he was admitted to the bar at Angelica, Allegany county. The young attorney went immediately into partnership with William H. Wood, in whose office he had studied, and so continued for one year.

Mr. Bunn had been engaged for three years to be married to Miss Sarah Purdy, a school teacher of the town, and in August, 1854, they were made man and wife. During the next month they removed to Sparta, Wisconsin, but in February, 1855, settled in Trempealeau for the purpose of entering a claim upon some land. That winter was spent by the bride in teaching school, and by the bridegroom in chopping and banking wood on the Mississippi river. In the spring another move was made to Decora Prairie, also in Trempealeau county, where Mr. Bunn worked a farm on shares. In May of that year was born his eldest son, Charles W. Bunn, who now resides at St. Paul, and is general counsel for the Northern Pacific railroad. During the following fall and winter he resided on Beaver Creek, in a house which, with one man's assistance, he built in a day. In the spring of 1856 he sold his claim for four hundred dollars and settled at Galesville, the county seat, operating a small farm and attending to such minor legal matters as come up in an unsettled country. He was elected district attorney in the fall, with an annual salary of \$100, which, in the course of the four or five years during which he held the office, was increased about threefold.

Until the spring of 1861 Judge Bunn resided at Galesville, engaged in farming and the practice of law, the republicans electing him to the

popular branch of the legislature in the fall of 1859. He served one term, which concluded his political career. At the time first mentioned (spring of 1861) he returned to Sparta, built another home and opened an office. There he resided and continued the practice of law, holding, during most of the period previous to his elevation to the bench, the office of district attorney.

It was in the spring of 1868 that he was elected judge of the sixth circuit, comprising the counties of La Crosse, Vernon, Monroe, Trempealeau, Buffalo, Jackson and Clark. The acceptability of his service is evident from the fact that, at the end of his first term of six years, he was re-elected without opposition upon a call signed by every lawyer in his circuit.

Upon the death of J. C. Hopkins, United States district judge for the western district of Wisconsin, not only the United States senators from the state, but the entire bar of the district, recommended Judge Bunn to the President as one eminently qualified to fill the vacancy. On October 30, 1877, President Hayes, therefore, appointed him to that position, which he has since so acceptably filled. The honor was gratifying to his professional pride, although its bestowal was against his wishes, since it necessitated his removal from Sparta, his domestic home, to Madison, his official residence. Since August, 1879, he has, therefore, lived at the state capital, giving his strength and abilities to the faithful performance of his high trust. Besides holding the public positions already mentioned, he has represented his state as a presidential elector, casting his vote for General Grant. For seven years he was also a lecturer in the law school of the university of Wisconsin, at Madison, and for two years in the law school of the Northwestern university, at Chicago.

Mention has already been made of Judge Bunn's eldest son, Charles W. Bunn. His second, George L. Bunn, was born at Sparta in 1865, is a lawyer residing at St. Paul and since December, 1896, has been one of the district judges in that city. John M., his third son, now lives at Spokane, Washington, and is one of the attorneys for the Northern Pacific railroad at that place. He has also two daughters—one married and residing in Madison, the other unmarried and living at home.



Thomas Drummond.

CHAPTER XV.

THE FEDERAL COURTS IN WISCONSIN—CONTINUED.

THE CIRCUIT COURT FOR THE DISTRICT OF WISCONSIN.

By an act of July 15, 1862, Congress established a circuit court for the district of Wisconsin, making the district part of the eighth judicial circuit, and transferred to it all actions pending in the district court which might have been brought or could have been originally cognizable in a circuit court. From that time the district court was deprived of all circuit court powers.

In February, 1863, by a change in the law, the district was made a part of the ninth judicial circuit, and Samuel F. Miller, of Iowa, one of the justices of the supreme court of the United States, was assigned to circuit court duty in the district. July 23, 1866, the district was made part of the seventh judicial circuit, to which it is now attached, and Mr. Justice Miller gave place to Justice David Davis, of Illinois. On the latter's death Justice John M. Harlan, of Kentucky, was assigned to the seventh circuit.

Under the act of Congress of April 10, 1869, providing for the appointment of separate judges of the circuit courts, Hon. Thomas Drummond, of Chicago, became the first circuit judge of the seventh circuit, which office he held until his retirement at the age of seventy-five, in 1884.

THOMAS DRUMMOND.

Thomas Drummond was born at Bristol Mills, Lincoln county, Maine, October 16, 1809, and died in Wheaton, Illinois, May 15, 1890. His father, James Drummond, was a farmer, but followed the sea for a considerable period of his life, and for some years represented his native town and county in the legislature of Maine.

Living on the sea coast, the son of a seaman, surrounded by mari-

time associations, it is not wonderful that the subject of this sketch early wished to become a sailor. His father was peremptory in his refusal to gratify the boyish longing, and the son was several times sorely tempted to run away, as so many lads had done before him. His sense of filial duty, however, was stronger than his love of adventure; but those mental experiences left their furrows in his heart, implanting a never-failing attachment to the profession, which afterwards showed itself in his complete mastery of all the leading points involved in maritime law, and caused his decisions in admiralty to be regarded as indisputable and seldom appealed from or reversed.

He received his first instruction in the little schoolhouse of his native village. During his boyhood he attended academies in Maine, at New Castle, Monmouth, Farmington and Gorham. He entered Bowdoin college, at Brunswick, Maine, in 1826, and was graduated in regular course at the institution in 1830. His business training commenced immediately thereafter. Leaving Maine in September, 1830, for Philadelphia, he commenced the study of law in that city in the office of W. T. Dwight, who was a son of President Dwight, of Yale college, and subsequently he was in the office of T. Bradford, in the same city, where he remained until March, 1833.

In May, 1835, Mr. Drummond left Philadelphia to go to Illinois, and settled in Galena, where he was soon recognized as a lawyer of unusual and solid attainments, great perseverance and untiring industry. For fifteen years he practiced his profession at Galena with success and was engaged in many important causes.

On the death of Judge Pope he was appointed, in February, 1850, by President Taylor, to succeed him in the office of judge of the United States district court for the district of Illinois. In 1854 Judge Drummond removed to Chicago, and held the office of district judge of the United States for the northern district of Illinois until December 22, 1869, when he was appointed judge of the seventh circuit of the United States, which comprises the states of Illinois, Indiana and Wisconsin. He retired in 1884 at the age of seventy-five years after thirty-four years' service as a federal judge.

Judge Drummond did not mingle to any great extent in party pol-



Yours truly
W. C. Furber

itics and held political office but once. Formerly a whig, he subsequently became a republican, with which party he affiliated until the time of his death. The office above alluded to was that of member of the United States house of representatives for 1840 and 1841, representing the counties of northern Illinois, comprising what has been known as the Galena district.

He was married at Willow Springs, La Fayette county, Wisconsin, to Delia A., second daughter of J. P. Sheldon, of that place, and was the father of two sons and four daughters.

During a long and laborious career on the federal bench, Judge Drummond's fame as a jurist was completely established. None knew him but to respect him for his learning and to love him for his noble qualities of mind and heart. For over thirty-four years he held a place on the federal bench. Throughout that long period his career was signalized by unremitting and arduous labor. His ambition and aim were to conscientiously and justly perform the duties of his high position; and that he attained the rank of a great and good judge was and is the tribute universally paid to him by the bar. His judicial opinions have always been distinguished for their strength of expression and vigor of reasoning, and are part of the jurisprudence of the country. Endowed with a vigorous and rugged intellect, prompted always in his judicial and personal action by the strongest convictions of duty, Judge Drummond never failed to put the stamp of his individuality upon whatever work he performed. His expositions of the law in all its branches were universally accepted as learned, able and authoritative. Judge Drummond was succeeded by

WALTER Q. GRESHAM.

Walter Quintin Gresham was born March 17, 1832, on a farm near the hamlet of Lanesville, Harrison county, Indiana. He was educated at the Corydon seminary and Bloomington university. His first employment was as deputy clerk at Corydon. He began the study of law during his leisure hours under the guidance of Judge William Porter, and after nearly three years of nocturnal study he was, in 1854, admitted to the bar and entered into partnership with Thomas C. Slaughter, after-

wards judge of the Indiana circuit court. He soon became actively interested in politics, and in 1856 he stumped Harrison county, Indiana, in behalf of John C. Fremont. In 1860 he was elected to the legislature, and served as chairman on military affairs.

For some time before the war of the rebellion young Gresham had been captain of the "Spencer Rifles," a military company of Corydon, and, when his legislative duties were over, Governor Morton appointed him lieutenant colonel of the thirty-eighth Indiana regiment, but before it entered service he was appointed, in December, 1861, colonel of the fifty-third regiment. His regiment was ordered to St. Louis, whence, after the fall of Donelson, it was sent to join General Grant at Savannah, Tennessee, where it was assigned to Veatch's brigade in Hurlbut's division; with his regiment, Colonel Gresham participated in the siege of Corinth, and afterward was engaged in numerous expeditions south of the Memphis and Charleston railroad. He was in the north Mississippi campaign with Grant's army, and afterwards was stationed at Memphis till 1863. Later he joined General Grant's forces at Vicksburg. Colonel Gresham's conduct had won the admiration of his superior officers, particularly General Grant, who, with General Sherman, recommended his appointment as brigadier general, which was made on August 11, 1863, and he was put in command of the post of Natchez and later succeeded General Crocker in command of the district of Natchez. His judicious government of that city attracted the friendship of all parties. In the spring of 1864 he was put in command of a division of the seventeenth corps of the Army of the Tennessee, to participate in the Atlanta campaign. His soldierly demeanor strongly recommended him to General McPherson, who commanded the army, and General Frank Blair, who had command of the corps, and he was active in the numerous engagements of that campaign until July 20. On that day, in the battle of Leggett's Hill, he was severely wounded by a bullet which struck his leg below the knee. On the following day, under the personal direction of General McPherson, he was carried to the railroad station, and thence taken to New Albany, where he was confined for more than a year, nursed by his faithful wife. He was obliged to use crutches for several years.

After the close of the war he resumed practice at New Albany; he was nominated for Congress in 1866. The district was overwhelmingly democratic, and, while he won many democratic friends, he was defeated at the polls by Mr. M. C. Kerr. During that year he was appointed financial agent of the state and filled that position until 1869. When General Grant became President, he tendered General Gresham the collectorship of the port of New Orleans, which was declined. He went to Washington in the interest of a friend whose appointment as district attorney of Indiana he sought, and when, in an interview with President Grant, he was informed by him that he himself had already been selected for that office, General Gresham replied that under no circumstances could he accept it. In December, 1869, the President appointed him United States district judge for Indiana, an office which he accepted and honored until April, 1882. At that time, upon the death of Postmaster General Howe, who was a member of the cabinet of President Garfield and also of his successor, President Arthur, Judge Gresham was tendered and accepted the office thus made vacant, and filled it in a manner highly creditable to himself and satisfactory to the public. Near the close of President Arthur's term he became secretary of the treasury, succeeding Secretary Folger, who had died. In all his connection with the cabinet he was one of the President's most valued advisers. He withdrew from the cabinet in October, 1884, and in the following December, Judge Drummond having retired from the office of United States circuit judge, President Arthur tendered the position to Judge Gresham and it was accepted.

During the campaign of 1892 Judge Gresham, who had been an active candidate for the nomination before the republican convention, became a supporter of the democracy, and after President Cleveland's inauguration he was tendered the portfolio of the secretary of state in his cabinet. He accepted, and while filling that position was seized by his fatal illness and passed away May 28, 1895.

In 1858 he married Miss Mathilda McGrain, a daughter of Mr. Thomas McGrain, an old settler of Harrison county, Indiana, of Scotch-Irish descent. He was survived by his wife and a son and a daughter.

JAMES G. JENKINS.

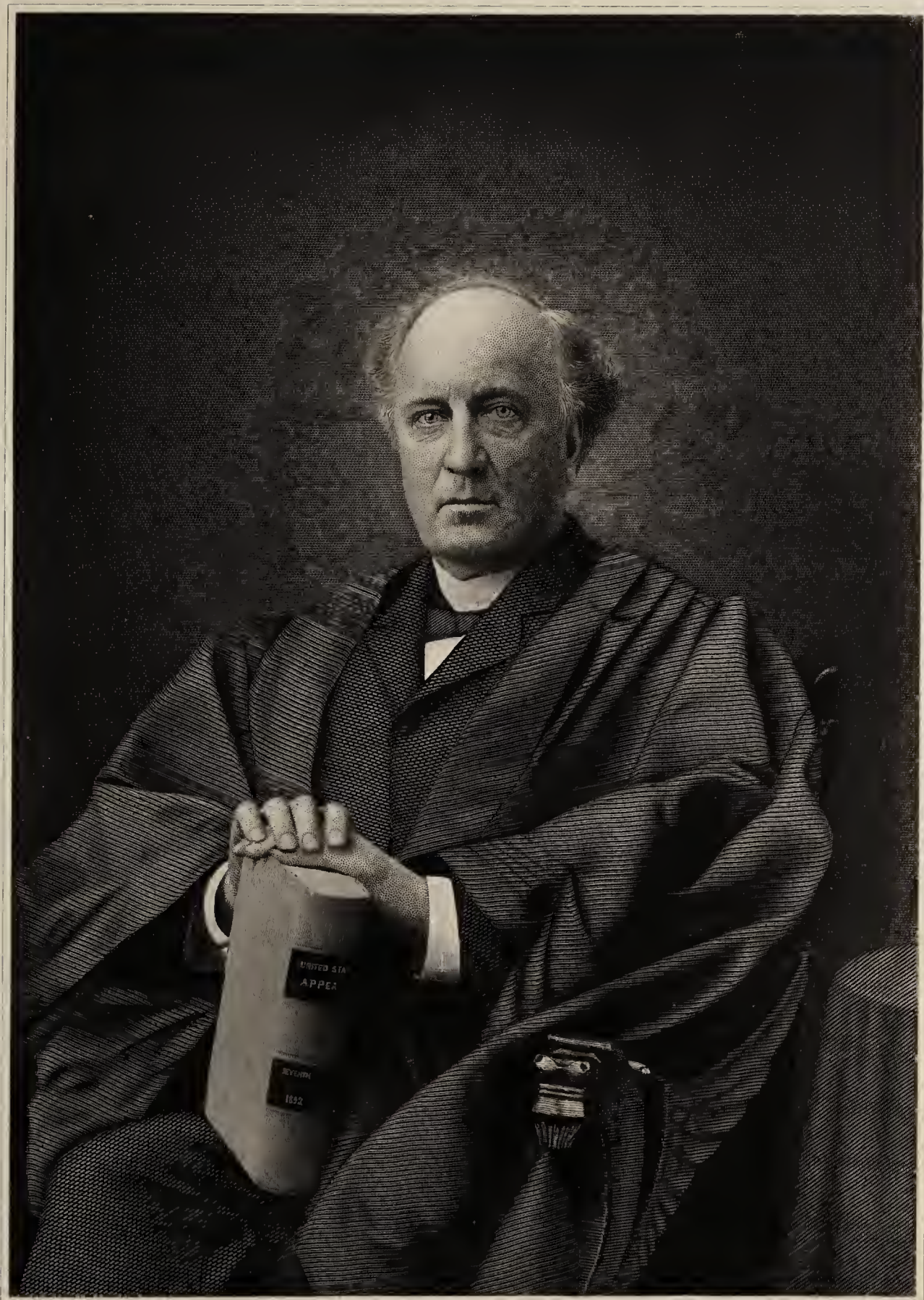
James G. Jenkins was born at Saratoga Springs, New York, July 18, 1834. His father, Edgar Jenkins, was a well-known business man of the state of New York. His mother was the daughter of Reuben H. Walworth, the distinguished jurist who for many years held the position of chancellor in the state of New York. He was educated in his native state, read law in New York city and was there admitted to the bar in 1855.

Two years later he came to Milwaukee and at once engaged in the active practice of his profession. Wisconsin had then just adopted the New York code of practice, his thorough familiarity with which gave him at once a marked position of advantage among lawyers trained to an older system. Well read in his profession, clear in thought, forcible in argument, and endowed with a rich vein of humor ever at command, he soon became the favorite of the court room. His work was so bright it often seemed like play, but it was preceded by careful and earnest preparation in his office.

He was elected city attorney in 1863 and held the office for four successive annual terms. In 1867 he formed a partnership with Theodore B. Elliott. The firm, which some six years later was joined by General F. C. Winkler, soon took rank with the leading practitioners of the state. Upon Mr. Elliott's sad death in the Newhall House fire, Mr. A. A. L. Smith came into the firm.

Until his appointment to the federal bench Judge Jenkins continued in the active and devoted service of his profession, enjoying a large and profitable practice, a very large share of popularity, and the confidence and respect of his clientage. He confined himself to no special branch of the profession, and proved his superior qualifications as lawyer and advocate in many important causes in the different courts of the state.

In politics Judge Jenkins is a democrat and he gained prominence at an early day in the councils of his party. He was its candidate for governor of Wisconsin in 1879, received its vote for United States senator in 1881 and has been delegate to numerous state and national conventions.



L. A. STURGEON

John Jay

He is a man of taste and wide reading in general literature.

In 1870 he was married to the daughter of the Honorable Andrew G. Miller, judge of the United States district court. His home in Milwaukee is the nucleus of a refined and intelligent social circle.

In 1888 he was appointed judge of the United States district court for the eastern district of Wisconsin, and in 1893 to the position he holds now, that of a circuit judge of the seventh judicial circuit of the United States. In both positions he has fully vindicated his reputation as an able and enlightened jurist.

In 1893 the university of Wisconsin conferred upon him the degree of LL. D.

CHAPTER XVI.
THE BOARD OF EXAMINERS.

BY JOSHUA STARK.

The conditions upon which license could be obtained to engage in practice of law in Wisconsin, as territory and state, have varied greatly.

The first legislature of the territory, at its session in December, 1836, enacted a law providing that to entitle an applicant for admission to practice in any and all the courts of record in the territory, he must be a citizen of the United States and of the age of twenty-one years, and must show to the satisfaction of a judge of the territorial supreme court that he was an actual resident of the territory for three months preceding the date of his application, that he had diligently pursued the study of the law for at least two years in the office of some reputable practitioner in the territory or in the United States, and that he was of good moral character and possessed the requisite knowledge of the science and practice of the law.

Attendance at some approved law school or university where legal studies formed a part of the academic course of instruction upon a course or courses of legal lectures, for a time not less than one year, was to be accepted as equal to one of the required two years' study with a practitioner.

In 1839 the requirements of majority, United States citizenship, three months' residence and a minimum term of study were dropped, and it was enacted that any person applying to any district court, or to the supreme court of the territory, to be admitted therein as an attorney, and giving to such court satisfactory evidence of his residence in the territory and his good moral character, and that he possessed the requisite knowledge of the science and practice of the law, might be admitted by the respective judge or judges to practice in the said courts respectively in which he or they may preside.

This left the matter virtually to the discretion of each court in the territory. Residence, good moral character and requisite knowledge in the judgment or according to the standard of the particular judge to whom the application was made, was sufficient. The tendency was apparent. There was a growing sentiment that all vocations should be free to every citizen who might choose to adopt them.

The first proposition of the declaration of rights in the constitution of the state, adopted in 1848, that "all men are born equally free and independent," was applied in its broadest sense when, in March, 1849, the legislature opened the door of admission to the bar to every person resident in the state and of good moral character, without examination or evidence of their qualifications, by the passage of the following act:

"Whenever any person shall apply to the supreme, circuit or county court to be admitted to practice therein as an attorney, and shall show satisfactorily to such court that he is a resident of the state and is of good moral character, the judge or judges thereof shall grant to such applicant a license to practice in the said courts respectively in which he or they may preside."

This act was made part of the revised statutes of 1849, and again in 1858, and continued in force until 1861. For twelve years under the statutes of Wisconsin, lawyers residing in the state were not recognized as belonging to a liberal profession. A license to practice as an attorney could be demanded as his right by any resident of decent morals. Neither education, nor legal knowledge, nor mental fitness, nor preparation of any kind was requisite. As might be expected, most of the circuit judges of the state ceased to examine applicants, and many were enrolled as members of the bar, fully authorized to undertake every function of an attorney in the administration of justice, without being required to give any evidence of their qualifications. Many justices of the peace, county officials, men unsuccessful in business, and others, finding the doors of the temple of justice wide open, did not scruple to enter, too often with the intent to use the title or name of attorney for unworthy ends. The absurdity and mischief of the situation at length became apparent.

In 1861 a law was passed providing that to entitle any person to

practice as an attorney in the circuit courts of the state, he must first be licensed by order of one of the judges thereof, and that no such order should be made until the applicant for such license should have first been examined in open court by the judge thereof, or examiners by him appointed, as to his learning in the law and ability to practice as such attorney, nor until such judge should be satisfied that such person possessed sufficient legal knowledge and ability to entitle him to practice as such attorney, nor unless such person should be a resident of the state, more than twenty years of age and of good moral character, his residence and age to be proved by his own affidavit.

A person so licensed was entitled to practice as attorney in any court of record in Wisconsin, except the supreme court; the right to practice in the supreme court requiring the order of such court.

This act did not apply to attorneys licensed to practice by the courts of any other state.

The supreme court having decided in 1875 (*In re Goodell*, 39 Wis., 232) that under existing statutes women could not be licensed as attorneys-at-law in Wisconsin, the legislature in 1877 added to the act of 1861 the proviso "that no person shall be denied a license under this act on account of sex."

The above provisions of the act of 1861, relating to the examination of residents seeking license to practice as attorneys in this state, were re-enacted in the revised statutes of 1878, modified, however, by provisions that graduates of the law department of the university of Wisconsin should be admitted to the bar of all the courts upon the production of their diplomas duly issued by the board of regents, and that persons who had been admitted to practice in the supreme court of any other state or territory, and who shall be residents of Wisconsin, may be admitted upon production of their certificates of admission to practice in such courts of such other state or territory.

This resolution of 1861 and 1878, requiring examinations in open court by the judge or examiners appointed by him, was intended to restore the practice of the law to the honorable dignity of a profession. It was doubtless expected that the circuit judges would enforce the law and subject applicants for admission to the legal ranks to the test of

such examination as would prove them qualified as to legal knowledge and ability before granting them license to practice as attorneys. This just expectation was not realized. The law prescribed neither term of study nor standard of attainments. There was no concert of action; no uniformity of practice among the judges in administering the law. Each circuit judge had his own idea of duty and granted license upon such terms as he saw fit. If an applicant was rejected in one circuit upon examination, as incompetent, he had no difficulty in securing immediate admission in a neighboring circuit where the requirements of the judge were less exacting, or perhaps merely nominal. A circuit judge who had been forced to recognize as an attorney duly licensed, a person whose application he had refused upon examination but forty-eight hours before, ceased to require learning or ability in candidates, and thereafter denied no man admission who knew enough, when asked how an action is commenced, to answer, "by summons."

A slight effort to correct this evil was made by an amendment passed in 1881, requiring that every applicant must be a resident of the judicial circuit in which he should apply for admission, but as no period of residence in the circuit was prescribed, the amendment effected little improvement. It was easy for an unfit candidate to evade this provision by taking up his residence for a few days or weeks in a circuit where his qualifications would not be scrutinized. Many, and doubtless most, of the circuit judges made a fair and honest effort to carry out the law according to its evident intent, but the lack of unity and uniformity in their requirements and in their standards and methods, as well as the apparent indifference of some to any standard, made it clear that the system was at fault and that a radical change was necessary.

The act of 1885 (chap. 63), by creating a state board of examiners of candidates for admission to the bar, was intended to do away with the evils referred to, and provide an independent commission for the examination of applicants from all parts of the state for the determination of their learning and ability to practice by fair and uniform tests. This act leaves untouched the provisions of the revised statutes of 1878 admitting to the bar graduates of the law department of the state univer-

sity and residents who shall have been admitted to practice in the supreme court of any other state or territory, but it requires that to entitle any other person to admission to practice as an attorney in the courts of record of the state, the applicant shall be of full age, a resident of this state and of good moral character, and shall first produce a certificate from the board of examiners appointed by the supreme court, as provided by the act, that the applicant "possessed sufficient learning in the law and ability to enable him to properly practice as an attorney."

The act creating the board of examiners is in the following words:

"The supreme court shall, on or before the second Tuesday of August in each year, appoint five competent attorneys, residents of the state, who shall constitute a board of examiners for the examination of applicants for admission to the bar. Such board shall meet at the capitol once or more each year and at such times and also at such other times and places within the state as the supreme court shall direct, for the purpose of examining all applicants for admission to the bar, and upon such examination being had, the said board shall issue to such applicants as they find possessed of sufficient learning in the law and ability and otherwise qualified, a certificate of qualification for admission to the bar. The residence and age of the applicant shall be made to appear to said board by affidavit, and satisfactory evidence shall also be produced to said board by such applicant of good moral character and of having pursued the study of the law for at least two years prior to such examination. Three members of such board shall constitute a quorum for the transaction of business."

The first board of examiners under this law was appointed by the supreme court April 28, 1885. Its members were Moses M. Strong of Mineral Point, Joshua Stark of Milwaukee, M. A. Hurley of Wausau, George G. Greene of Green Bay, and Lycurgus J. Rusk of Chippewa Falls. Their first meeting was held by order of the court at the capitol in Madison on the 6th of May, 1885, when Moses M. Strong was chosen to act as president, and L. J. Rusk as secretary of the board.

Brief rules were adopted relating to the examination of candidates,

which, upon their approval by the supreme court, were printed for the information of those interested. They are as follows:

“Rule 1. Every person intending to present himself for examination by the board of examiners appointed by the supreme court for the examination of applicants for admission to the bar, at any meeting of said board for that purpose, is required to notify the secretary of said board, in writing, of such intention, at least twenty days before the time appointed for such examination, and at the same time to furnish to said secretary his affidavit stating his age and residence and the term and place or places of his study of the law, and no person will be examined at such meeting who has not complied with this rule.

“Rule 2. Every applicant, before the beginning of his examination, shall present to the board a certificate of each of the attorneys with whom he shall have studied, that such applicant is a person of good moral character, and a certificate of at least two members of the bar of the county wherein such applicant resides, that to the knowledge or belief of such members such applicant has pursued the study of the law for at least two years. Such certificates shall not be conclusive on the board, but the members of the board may satisfy themselves on this point from examination and inquiry.” **1386798**

Examinations for the year 1885 were appointed to be held on the last Tuesday in June at Madison, the first Tuesday in September at Milwaukee, the fourth Tuesday in October at Eau Claire, and the last Tuesday in December at Oshkosh. These were all held and were attended by moderate numbers, less than thirty appearing at any one examination.

The experience of the first year convinced the board that three examinations each year would be quite sufficient, and that the convenience of applicants would be consulted by holding them only at Milwaukee and Madison.

The examinations in 1886 were held on the first Tuesday in March and last Tuesday in December at Milwaukee, and on the first Tuesday of July of the same year at Madison. Since 1886 but three examinations have been held each year, two in Milwaukee and one in Madison, the dates only having been changed.

All members of the first board of examiners were continued in office by annual reappointments until June, 1897, with the exception that A. L. Sanborn of Madison was appointed by the court in August, 1894, to fill a vacancy caused by the removal of M. A. Hurley from the state, and Gilbert M. Woodward of La Crosse was appointed October 28, 1895, in place of Moses M. Strong, deceased.

The present board, consisting of L. J. Rusk of Chippewa Falls, Gilbert M. Woodward of La Crosse, A. L. Sanborn of Madison, Charles Quarles of Milwaukee and S. N. Dickinson of Superior, was appointed June 24, 1897.

The first few examinations were both written and oral, the former occupying each one day and consisting of the writing of answers by each applicant to from thirty to fifty printed questions on various departments of jurisprudence. The oral examination was necessarily brief. To carefully read and determine the results of the written examination was frequently a labor of more than twelve hours, and a thorough oral examination of each applicant in addition, demanded more time than a lawyer in active practice could devote to it without great sacrifice.

In the opinion of the examiners, after a fair trial, the written examination was a far safer and more satisfactory test of qualification for the bar than any oral examination could be unless unreasonably prolonged and thorough. The written answers deliberately made, with opportunity for reflection, were deemed to be reliable evidence of the intelligence and mental training and the ability to think logically and to express clearly and definitely the thought of the person under examination. The written examination covered a wide range of legal subjects and applied the same test to all applicants at a single examination. Soon the oral examinations were abandoned. The standard of attainment, as shown by the examination, was fixed at seventy-five per cent, and has since remained the same.

Some of the applicants for admission were men of little education, unskilled in the use of language and ignorant of legal principles, but having a superficial acquaintance with legal procedure and with some of the laws pertaining to common affairs, acquired perhaps while serving in some official position, as justice of the peace, clerk of court, or other

similar capacity. The examiners were forced to reject such persons, and to do so repeatedly in many cases. It was probably at their instance that the following additional requirement was enacted in 1891:

"The said board shall establish a standard of attainment which must be reached by each applicant before he receives a certificate, and the standard so established shall be uniform. The examination papers made by each applicant shall be examined by the board. They shall mark the answer to each question upon the same, with the percentage standing to which each answer shall be entitled, and within thirty days after the examination is had, the papers belonging to each applicant shall be returned to him, duly marked with the percentage standing, together with a card showing his standing in each branch upon oral examinations, so that whether receiving a certificate for admission or not, each applicant may know what proficiency he has attained in each branch or subject upon which he has been examined."

Oral examinations limited to a single day were resumed in 1895. As some protection against repeated applications by persons grossly incompetent, the following rule has been adopted:

"When any applicant has been examined at three different examinations, and has failed to obtain a certificate of qualification, such applicant shall not be entitled to another examination until one year after his last previous examination."

Among the applicants for examination by the board have been men of all ages, from twenty-one to fifty-five or over; men of all grades of education, from the university graduate to the mechanic or clerk with but scanty common school education.

It would be interesting to give examples of the crude ideas of some of the applicants respecting subjects of their reading. To the question, "When or under what circumstances the confessions of a person may be used against him," one answered: "Confessions of a person are good against him when he took due precaution to make the confession confidential and tries to keep it a secret."

Another, in all seriousness, presented the following wise statement:

"To take a verbal agreement to convey lands out of the statute of frauds, on the ground of part performance, all that is necessary is for

the purchaser to pay the balance of the purchase price and for the vendor to deliver a deed to the lands to the purchaser. This will make the sale complete and the statutes of fraud will have no bearing."

Among the prerogative writs known to the common law, another included magna charta and the declaration of independence.

Compounding a felony was defined as "committing one offense while trying to commit another," a unique application of a commercial principle to criminal law.

Eccentricities of this sort could be multiplied.

The law under which the board of examiners is acting is indefinite as to the amount of study or the standard of general or professional attainment required to admit applicants to examination. The board are to issue certificates of qualification "to such applicants as they find possessed of sufficient learning in the law and ability and otherwise qualified." The applicant, however, is only required to produce satisfactory evidence of his good moral character and "of having pursued the study of the law for at least two years prior to such examination."

What is "pursuit of the study of the law" within the meaning of the act? Does it mean the giving of a portion of one's leisure hours to reading a few text-books and hearing occasional evening lectures, while his best energies are given each day to work of an entirely different character? Is the intent of the act satisfied when teachers, clerks, accountants, and men in other active employments are admitted to examination after two years of more or less desultory reading, without contact with actual practice or the discipline and instruction which can be best gained in a law office?

A young man with a quick and retentive memory may, after such preparation, pass a fairly good examination, but it may well be doubted if the end of the law has been gained or its requirements have been complied with. The requirement of at least two years' study with a practicing lawyer preparatory to examination would certainly be a great improvement upon the present statute upon the subject. Those students who had enjoyed the advantage of such study proved in all cases to be far better prepared for examination and equipped for the serious work of the legal profession.

Lack of sound and liberal education is perhaps the most serious defect in the preparation for the career of the lawyer.

At the last meeting of the American bar association, it was "Resolved, that the American bar association is of the opinion that before a student commences the study of law, it is desirable that he should have received a general education, at least equivalent to a high school course, and that persons who have not completed the equivalent of such a course should not be admitted into law schools as candidates for a degree."

If the standard of education and intellectual training named in this resolution were applied by the Wisconsin board of examiners, it would rule out a large percentage of the applicants. It may by some be deemed unreasonable to exact such a standard in this state, but it is certain that no man may reasonably ask to be invested with the important powers and functions of the legal profession who has not for at least two years devoted his time and the best energies of a cultivated mind exclusively to the study of jurisprudence, and to the mastery of its principles and maxims.

CHAPTER XVII.

THE PROBATE, COUNTY, SUPERIOR AND MUNICIPAL COURTS OF MILWAUKEE, AND THEIR JUDGES.

THE PROBATE COURT.

Until January 1, 1850, the circuit courts were the only courts of record in the state having civil or criminal jurisdiction. Judges of probate, indeed, there were, with the usual functions of courts instituted for the administration and settlement of estates, but their jurisdiction embraced nothing else.

Under authority of the state constitution county courts were created by the revised statutes which took effect January 1, 1850, with limited civil jurisdiction. The office of judge of probate was abolished from that date, and full probate powers were conferred upon such county courts.

While Wisconsin remained a territory the office of probate judge of Milwaukee county was filled by several citizens, some of whom were not lawyers. The first was Nathaniel F. Hyer, appointed in 1836. He was followed by William Campbell, in 1837; Daniel Wells, Jr., in 1838; Cyrus W. Dunbar, in 1839 to 1843; Joshua Hathaway, in 1843 and 1844; Clinton Walworth, in 1845 and 1846, and Isaac P. Walker, in 1847 and 1848.

ISAAC P. WALKER.

The birthplace of Mr. Walker was near Wheeling, Virginia; the time November 2, 1815. He removed to Danville, Illinois, in his youth and there obtained such education as the schools afforded; during a portion of the time he resided there he was a clerk in a store, and later read law in the office of Judge Samuel McRoberts, and was admitted to the bar. On the election of Mr. McRoberts to the United States senate Mr. Walker succeeded to his law practice. He served one term in the Illinois legislature and in 1840 was a presidential elector on the Van Buren ticket. In 1841 or 1842 he settled in Milwaukee and entered upon the practice of the law. In 1847 he was elected a member of the popular branch of the territorial legislature and served during the last

two sessions. In June, 1848, he and Governor Dodge were chosen the first United States senators from Wisconsin; Senator Walker drew the short term, ended March 4, 1849. In January, 1849, he was elected to succeed himself. After the expiration of his term he retired to private life, taking up his residence on a farm in Waukesha county. His venture in this respect was an unprofitable one, and he resumed his practice in Milwaukee and continued it until within about a year of his death, during which time he was disabled from pursuing any mental or manual labor. He died, as the result of an apoplectic stroke, April 1, 1872.

Mr. Walker had the reputation of being a good advocate, especially in criminal cases, and ranked as the best patent lawyer in the state. In his prime he was one of the finest and most impressive public speakers in the country, and is said to have been the handsomest man in the United States senate during the time of his service in that body. He was a land reformer and cherished humanitarian theories, and earnestly and powerfully advocated the enactment of federal homestead laws. In 1852 he was nominated by the land reformers for the presidency, but that organization failed to put an electoral ticket in the field, and he supported the democratic ticket. A newspaper obituary says that Mr. Walker was a man of unbounded kindness of heart, of rare ability, a philanthropist with many traits of a statesman and with many elements of popularity and success in political life. He was enthusiastically and unalterably devoted to the Union, and sympathized with all the war measures adopted to suppress the rebellion.

JAMES HOLLIDAY,

the successor of Judge Walker as probate judge, was born in Wayne township, Mifflin county, Pennsylvania, January 19, 1818. He had good educational advantages and they were well improved, of which he gave abundant evidence in the ornate use of words in his public addresses, both professional and political. He adopted the profession of law, the study of which he pursued diligently for several years in his native state, where he was admitted to the bar. He then removed to Wisconsin, and located at Milwaukee in October, 1843, where he opened a law office and entered upon the active pursuit of his profession. He

very soon acquired an extensive practice, and took a front rank at the very able bar of Milwaukee.

In 1847 Mr. Holliday was elected a member of the house of representatives of the fifth and last legislative assembly of the territory of Wisconsin.

On the 16th of May, 1851, while engaged in the trial of a suit in the courthouse at Milwaukee, he was suddenly attacked with a disease of the heart and immediately died, at the age of thirty-three years.

JAMES B. CROSS

became probate judge January 1, 1849, having been elected in 1848 for two years. He served but half that time, the office being abolished January 1, 1850. He was born in Phelps, Ontario county, New York, December 17, 1819. He received an academic education, studied law and removed to Milwaukee in May, 1841. He was never successful as a practicing lawyer, and in 1846, having been elected a justice of the peace in Milwaukee, he devoted his attention to the duties of that office, giving up entirely the practice of law. In the spring of 1848 he was elected judge of probate. He was a member of the assembly in 1849, 1850 and 1855. In 1850 he was elected city attorney of Milwaukee and discharged the duties of that office in a satisfactory manner.

At the election in 1857 Mr. Cross was the democratic candidate for governor, and lacked only 118 votes of defeating Alexander W. Randall, who was elected by the newly organized republican party.

For five years Mr. Cross was president of the Juneau bank of Milwaukee, and filled other important business and civil positions. He had a fine personal appearance, possessed many elements of popularity, and was fitted to adorn with grace and credit any position in life. He died at Milwaukee, February 8, 1876.

THE COUNTY COURT.

Chapter 86, revised statutes of 1849, conferred upon a county court to be organized in each county in the state, "original jurisdiction concurrently with the circuit court to try and determine according to law all civil actions arising within the county, . . . and all transitory

actions, although the same may not have arisen within the county, where the debt or damages demanded do not exceed the sum of five hundred dollars (excepting actions of ejectment), and exclusive appellate jurisdiction of all cases of appeal and certiorari from justices of the peace." Such court was also empowered to "enter judgments by confession and to grant new trials, and, by the consent of parties, to try any civil actions without limitation as to amount;" and its judge was, from and after the first day of January, 1850, "invested with full and exclusive probate powers."

The legislature evidently regarded the court thus created as but little above the ordinary justice of the peace. Not only was its jurisdiction as to amount absurdly limited, but no provision was made for a trial of issues of fact by a jury, except in case of a demand by either party, and then the jury was to consist of not more than six persons selected from a list prepared by an officer or other person designated by the court, the procedure being the same as that in courts of justices of the peace. The term of office of the county judge was made four years, and he was to be compensated by fees only.

In 1854 the jurisdiction of the county court of Milwaukee county was extended to all civil cases not involving more than five thousand dollars in value or amount, with a proviso expressly excluding equity and criminal jurisdiction; and, it having been held by the supreme court that the provision for a jury of six was unconstitutional, the law was amended so as to provide a regular panel of petty jurors for each term of the court.

Until October, 1856, the distinction between legal and equitable actions as to pleadings and practice had been carefully maintained in Wisconsin. This distinction was abolished by the legislature in October, 1856, and the New York code of procedure was adopted almost without change. The provision of this code permitting equitable defenses to be pleaded to actions at law made necessary the conferring of some equity jurisdiction upon the Milwaukee county court. This was done by the revised statutes of 1858, "so far only as to enable said court to hear and determine any equitable defense, which may be set up by defendant, as a defense only, to the plaintiff's action."

In 1860 the legislature further enlarged the jurisdiction of this court so as to include all civil actions, both as to matters of law and equity, equal to the circuit court, and to authorize such court to exercise the same powers and jurisdiction in all civil actions as exercised by the circuit court, the only limitation being that the value of the property or the amount of money in controversy should not exceed twenty thousand dollars. The rules of practice prescribed by the supreme court for circuit courts were also made applicable to said county court. In 1868 the limitation was again enlarged to one hundred thousand dollars, and in 1871 to five million dollars, and from that time the county court and its successor, the present superior court of Milwaukee county, have exercised within the county virtually the same original jurisdiction as the circuit court in all civil actions, both in law and equity. The first judge of the county court was

HORATIO N. WELLS,

who was often named by the earlier members of the Milwaukee bar in the same connection with Jonathan E. Arnold as an advocate. He was born in Vermont in 1808, and studied law there. In 1836 he came to Milwaukee and entered upon the practice of the law with Hans Crocker, the firm name being Wells & Crocker. In 1839 he was appointed attorney general; he served in that office three years; the same year he was elected a member of the popular branch of the territorial legislature; in 1847 he was chosen a member of the territorial council, and served during three sessions, being elected president of each. In September, 1849, he was elected judge of the Milwaukee county court; his service in that office continued four years. His convivial habits carried him rapidly into obscurity, and on the 18th of August, 1858, he died. It has been said that in his early career as a lawyer his success was remarkable, especially as an advocate before juries. During the first ten years of his practice there was scarcely a case before a jury in which he was not employed on one side or the other. He attended the courts in Racine, Walworth and Rock counties, where he was extensively employed. His success as a jury advocate was owing more to his great intuitive knowledge of human nature, his drollery and wit, his

large fund of anecdotes, his native kindness, good nature and popular social qualities, than to a superabundant store of legal attainments.

CHARLES E. JENKINS

succeeded Mr. Wells as county judge in January, 1854. He was one of those who were attracted to Milwaukee as the metropolis of a new-born state, arriving in 1848. His evident talent and fine address quickly gained for him popularity and professional success. He was elected a member of the assembly in 1849 and re-elected in 1850, serving during the sessions of 1850 and 1851. He became the trusted counsel of Byron Kilbourn, one of the founders of the city; of the Milwaukee and Rock River Canal company and other important undertakings in which Mr. Kilbourn was concerned. After a service of nearly three years as county judge, he resigned in the fall of 1856 to engage in a business enterprise, in which he became interested with others. He resided in New York city for some years, and during the later years of his life was a partner of Governor Abbett, of New Jersey. The date of his death is not known to the writer.

BYRON PAINE

was appointed by the governor to fill out the term, and was, in 1857, elected for the full term, commencing January 1, 1858. June 1, 1859, not yet having reached the age of thirty-two, he assumed the duties of associate justice of the supreme court, to which he had been elected in the spring of that year. A sketch of Judge Paine's life is given in another chapter.

ALBERT SMITH

succeeded him as county judge, by appointment in June, 1859, and continued in the office, being repeatedly elected as his own successor, until his death, August 29, 1870. Judge Smith had been prominent and influential in professional and public life while residing at Batavia, in western New York, for many years prior to his removal to Milwaukee in 1846. He was a man of large frame and commanding presence, with a Websterian brow and austere bearing. He had repre-

sented his district in Congress and came to Milwaukee at the close of his term, being then forty years of age. Engaging in law practice, he failed to gain here the high position, professionally or socially, which he had held in his earlier life. In 1853 he accepted the office of justice of the peace in the seventh ward of the city, which he retained through repeated re-elections until his appointment as county judge in place of Judge Paine.

Judge Smith greatly admired the common law, and vigorously opposed the adoption of the code in Wisconsin. When it was adopted he entered the following in his justice docket:

"THE COMMON LAW AND THE CODE,

departed this life, in its full maturity and strength. The Common Law, with all its forms; a system of jurisprudence matured by age and experience, and which has done more

TO SECURE SAFETY, LIBERTY AND JUSTICE

to all mankind than all other systems combined.

"Sic Transit Gloria Mundi!

"March, 1837.

"On the same day was born a 'Code,' undigested, ill-arranged, repugnant to the general laws of the state and bizarre in all its parts and properties.

"God save the People from Themselves."

ALPHA C. MAY,

born and educated in Vermont and resident in Milwaukee from 1853, was commissioned by Governor Fairchild to serve as county judge for the remainder of Judge Smith's term, which expired January 1, 1874. Judge May had not been prominent in legal circles. He was a modest gentleman of refined and cultivated tastes, well instructed in the law, but rather averse to the conflicts in which the active lawyer is forced more or less to engage. At the close of an honorable service of more than three years as a wise and upright judge he gave place, January 1, 1874, to Hon. Henry L. Palmer, who had been elected for the full term beginning at that date.

HENRY L. PALMER.

Judge Palmer had for many years held rank as one of the ablest men at the bar of the county or state. He was born at Mount Pleasant, Wayne county, Pennsylvania, October 18, 1819. He received a common school education, studied law, and was admitted to the bar. In 1836, at the age of seventeen, he went to West Troy, New York, to reside, and from thence came to Wisconsin in 1849.

Coming to Wisconsin at the age of thirty, he soon formed a law partnership with Abram D. Smith, a man of distinguished ability in the profession, who came from Ohio, which continued with a large and increasing practice until Judge Smith went upon the bench as a member of the separate supreme court of the state, June 1, 1853. He was afterward associated at different times with Erastus Foote, Joshua Stark, John R. Sharpstein and David G. Hooker, and continued in active practice until he became county judge. During all this time he was prominent in Masonic circles, giving much time and energy to the interest of the order, and receiving its highest honors. He was also an influential leader in political life, yielding loyal and unswerving support to the democratic party, to which he gave his allegiance. He represented his district in the assembly in the years 1853, 1860, 1862 and 1873, and in the senate of the state in 1867 and 1868, and presided over the assembly as speaker during the sessions of 1853 and 1873. He also served the city as school commissioner and city attorney. Judge Palmer became identified with the Northwestern Mutual Life Insurance company at its establishment in Milwaukee in 1860, was its legal counsel for many years and one of its executive officers, and did much to shape the early policy which has made it one of the strongest and soundest institutions of the kind in this country. His judicial career was brief. Though eminently fitted to adorn the bench, the offer of the presidency of the insurance company opened to him a career of usefulness so much more congenial and attractive that he could not decline it. He resigned the judgeship in February, 1874, after a few weeks' service, and entered upon the duties to which he has ever since

given his undivided attention. The Northwestern Mutual Life Insurance company, of Milwaukee, the pride of the city, is a living witness to his ability, industry and fidelity in the administration of sacred trusts.

JOHN E. MANN.

Again the appointing power was invoked to fill the office of county judge, and in February, 1874, John Enders Mann was named by the governor. Since then there has been no change. By election after election Judge Mann has been retained in the office.

His character as circuit and county judge is remarkable in this: that it is a combination of justice with such mildness as almost to approach the borderland of gentleness. The annals of the bench furnish few such examples of judicial character, especially after it has passed through the ordeals of nearly forty years' arduous service.

The name itself tells the story of German ancestry, though Judge Mann's American forefathers came to this country previous to the revolutionary war. His father, George W. Mann, was a farmer and, with his mother, Elizabeth (Enders) Mann, lived for many years in the Empire state, John E. being born in Schoharie, March 4, 1821. He was a sturdy farmer's boy, working and studying with equal zest and industry, and as his father had the old-world appreciation of the value of a thorough education, the boy received the best intellectual training that the country afforded. First, the district schools, and then the academies at Nassau, Jefferson and Schoharie, New York, fitted him to enter the sophomore class of Williams (Massachusetts) college. He was now nineteen years of age and after remaining here for two terms became an advanced student (third term, sophomore) at Union college, Schenectady, graduating in classics during 1843.

Thus firmly grounded in both the common and the classical branches, Judge Mann naturally turned to the law as the field which offered the greatest promise for the exercise of his practical knowledge and his acquired learning. Returning to his native place, he studied under the tutelage of Jacob Houck, Jr., and was admitted to the bar of the supreme court, at Utica, in 1847. For seven years he practiced his profession in Schoharie county (at Schoharie and at Esperance) and



Engr. by John C. McRae NY

J. E. Hann
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then, in May, 1854, removed to Wisconsin. His solid, judicial qualities of mind—his judicial temperament—had already attracted more than local attention and he had served as judge advocate of the state militia.

Judge Mann's first choice of location in Wisconsin was West Bend, where he formed a partnership with Hon. L. F. Frisby, subsequently attorney general of the state and long one of its prominent lawyers and public men. This connection continued for nearly five years, or until Judge Mann's appointment, in 1859, to the judgeship of the third Wisconsin circuit, succeeding Judge Larrabee, who was called to a seat in Congress. At the time of his appointment and subsequent election to the bench, the circuit over which he had jurisdiction included Ozaukee, Washington, Dodge, Green Lake and Marquette counties. He was re-elected in the spring of 1860 for a full term of six years, and at the expiration of this period, December 31, 1867, he removed to Milwaukee.

Judge Mann's only partner in Milwaukee was F. W. von Cotzhausen, with whom he remained as long as he was a practitioner, until February, 1874. This date, nearly a quarter of a century ago, marks his appointment by Governor Taylor to the responsible office of judge of Milwaukee county, to succeed Henry L. Palmer, resigned. Although a democrat, Judge Mann has never been a party candidate for re-election to the position which he has so acceptably filled these many years. Every four years, however, a fair majority of the voters of the county have returned him to his old place, heartily testifying to his ability, his uprightness, his kindness, his promptness, and his faithfulness. It is said that during this long period he has not been absent a dozen days. This record is quite remarkable, since for many years the court had jurisdiction in both probate and civil matters (up to \$5,000,000); with the organization of the superior court, however, his arduous duties were somewhat lightened by the withdrawal of the civil cases from his jurisdiction.

Judge Mann married into an old and prominent New York family, his wife being Catherine Dietz, of Schoharie, a neighbor, and granddaughter of William Dietz. The latter was an intimate political friend of Martin Van Buren and a member of Congress. There are four

children—Anna D., Elizabeth, Jennie (now Mrs. Paul C. Biersach), and Charles D. Mann, an attorney, whose biography appears in another chapter.

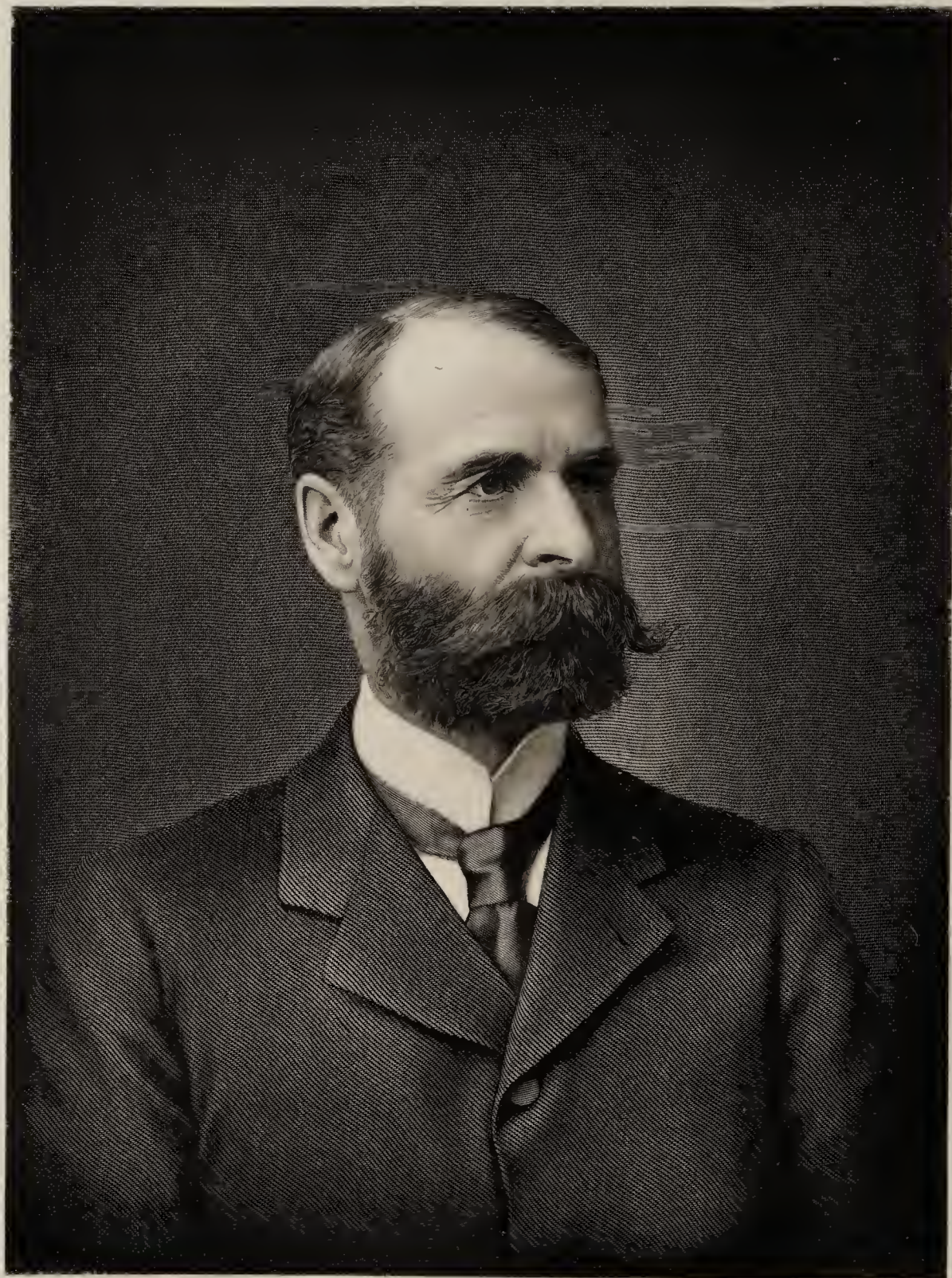
THE SUPERIOR COURT.

Until 1888 the circuit and county courts of Milwaukee county, each having but a single judge, were the only courts of record in the county with jurisdiction of civil actions. The circuit court was, indeed, relieved of most of its criminal business from 1859, but the county court was burdened with all the probate business of the county, increasing rapidly.

It must ever be a matter of surprise that for so many years the judicial requirements of a prosperous and growing community, with a population of 122,927 in 1875, increasing to 187,600 in 1885, could be fairly met by these two courts thus constituted. It may be justly taken as conclusive proof of the general integrity and law-abiding spirit of the people who laid its foundations and have built upon them the fair structure of industries and institutions which constitute Milwaukee of to-day.

In 1887 it became apparent that the county judge could no longer discharge properly the duties of probate judge and also those of judge of a court for the trial of civil actions. With the growth of the population probate business had so much increased as to demand the undivided attention of a competent officer. A register in probate had indeed been provided for, but with very limited powers, making him in effect merely a general clerk in the office of the judge. This failed to relieve.

At the legislative session of 1887 an act was passed creating a superior court for the county of Milwaukee, with a single judge, to be elected for a term of six years and to receive a salary of five thousand dollars, payable by the county. The act transferred to this court, from January 1, 1888, all actions then pending in the county court and all the powers and duties which that court had exercised in civil actions, saving to the latter only its probate functions.



Engr'd by W. T. Badger

Geo. H. Morjes

GEORGE H. NOYES.

George H. Noyes was born in McLean, Tompkins county, New York, April 18th, 1849. His ancestors, both lineal and collateral, for many generations, were distinctively American. The family is of Norman origin. Rev. James Noyes, the founder of the American branch of the family, was educated at Oxford university, entered the ministry, and on account of his liberal views was an exile in Holland, from whence, in 1634, he came to America, settling at Newbury, Massachusetts. His son, Rev. James Noyes, a graduate of Harvard college in 1659, settled in Stonington, Connecticut, where he was pastor of the First Congregational church for fifty-four years. He served in King Philip's war as physician and chaplain, and was one of the founders and first trustees of Yale college. Through Colonel Peleg Noyes, who served in the revolutionary war in a Connecticut regiment, George H. Noyes derives his right to membership in the Sons of the American Revolution.

The boyhood days of Judge Noyes were passed in Delafield, Waukesha county, Wisconsin, where his parents settled upon their arrival in the state in 1855. There he attended the DeKoven school and afterwards the public schools.

In the spring of 1865 he began teaching in the common schools of Waukesha county, continuing his teaching at intervals during portions of the five succeeding years.

In the fall of 1866 he entered the freshman class of Lawrence university at Appleton, but subsequently, changing his course from the scientific to the classical, entered the university of Wisconsin in the fall of 1867, from which he was graduated with honors in the classical course in 1873. During these years he was wholly dependent upon his own resources for his support and college expenses, and in order to secure sufficient means to continue his college education his winters were spent in teaching and his summer vacations in manual labor, in addition to the services which he also rendered from time to time as a private tutor and as assistant librarian at the university.

Although reared in a country village and on a farm, his earliest ambitions were to become a lawyer. He cannot recall the time when he did not intend to adopt and follow that profession. This was his first and last choice, and was made far away from courts, at a time when he was wholly unacquainted with lawyers and their profession, and out of all legal atmosphere. He took the lectures of the law school of the state university, and while thus engaged he was also employed as assistant to Prof. O. M. Conover, who was then the state librarian and reporter for the supreme court. A firm will and steadfast purpose overcame the obstacles and discomforts with which he was surrounded, and he has met the success which an indomitable courage is sure to attain.

Graduating from the law school in 1874, he came to Milwaukee with ex-Chief Justice Dixon, who had resigned from the supreme court with the purpose of establishing himself in the practice of his profession, and entered the office of Dixon, Hooker & Palmer. At the end of a year the firm of Dixon, Hooker, Wegg & Noyes was organized, the members of which were Luther S. Dixon, D. G. Hooker, David S. Wegg, and the subject of this sketch. This firm was dissolved when Mr. Hooker became counsel for the Northwestern Mutual Life Insurance company, but Mr. Noyes continued in partnership with Judge Dixon, first under the name of Dixon & Noyes, and later of Dixon, Noyes & Dixon. In 1880 Judge Dixon left Milwaukee for Denver, where he hoped to recuperate failing health, and Mr. Noyes then became a partner of George C. Markham, under the firm name of Markham & Noyes, and during the continuance of this partnership Mr. Noyes acted as general solicitor and secretary of the Milwaukee & Northern Railroad company.

Mr. Noyes quickly gained recognition as an able practitioner, and this, with a well-deserved reputation for unflinching integrity and unceasing energy, soon placed him in the front ranks of his profession. His accurate knowledge of the principles of law, clear power of analysis, combined with the tact and address which he exhibited in his intercourse with business men who sought his counsel, won for him in a short time an established reputation and a lucrative business.

Upon the creation of the superior court of Milwaukee county Mr.



Truly yours
A. L. Gilson

Noyes was nominated as the citizens' candidate for judge of that court at a joint convention of the republican and democratic parties. He was selected as a republican representative, while Judge D. H. Johnson was selected as a democratic representative, the latter being on the ticket as a candidate for judge of the circuit court; the opposing candidates were in the field on the peoples' or labor ticket.

Although not previously very well known in public life, his personal popularity as a citizen and the respect in which he was held by men of all political parties secured his nomination. He was elected and entered upon his judicial career January 1st, 1888. Although his service upon the bench was of short duration, it was nevertheless sufficient to demonstrate that he was eminently adapted for the position by a strong judicial mind, natural inclination, and diligent study, and he quickly took rank as one of the ablest judges of the state. Finding, however, that the salary of a judge would not permit him to provide as liberally as he desired for the education of his children, he reluctantly retired from the bench in March, 1890, and resumed the practice of the law with the surviving members of the old established firm of Finches, Lynde & Miller, which was reorganized under the name of Miller, Noyes & Miller.

In politics Judge Noyes is a firm and consistent republican, but is not an active politician. He was appointed regent of the state university of Wisconsin by Governor Hoard in 1890, reappointed by Governors Peck and Upham, and is now vice president of the board. He is also one of the commissioners having in charge the erection of the building for the library of the State Historical society.

Judge Noyes was married in November, 1876, to Miss Agnes Allis Haskell, of Chicago. Mrs. Noyes is a graduate of the university of Wisconsin, of the class of '76. Their children are Emily, Katherine, Haskell, Margaret and Helen.

FRANKLIN L. GILSON

was appointed to succeed Judge Noyes. The fact, says the History of Milwaukee, that he had been chiefly known as an ardent and active politician led to the expression of fears that he might not possess that

judicial balance so essential to a career upon the bench. "All such fears were speedily removed. The judge brought to the discharge of his new duties such kindliness and urbanity of manner, such evident candor and sincerity and such industry and conscientious effort in the examination of all questions which came before him that he quickly won the regard of the bar."

The late Judge Franklin L. Gilson was born in Middlefield, Geauga county, Ohio, October 22, 1846, and his early life was passed in his native state. He obtained his education at Hiram and Oberlin colleges, both noble and worthy seats of learning. About 1870 he removed to Wisconsin, where he became a law student and clerk in the office of Messrs. Frisby & Weil, at West Bend, Judge Frisby, the senior member, being his uncle. In 1872 young Gilson was admitted to the bar of the state, and, removing to Ellsworth, in Pierce county, began the practice of law. Possessing a naturally keen intellect, sustained powers of thought and legal ability of no mean order, he soon rose by conscientious work to a position of prominence and influence in his community, enjoying an ever-increasing patronage and the growing esteem of his fellow-men. In recognition of his ability and worth of character, he was elected district attorney for Pierce county in 1874, which office he creditably filled by re-election until 1880. He took an active part in political campaigns and excelled as a campaign speaker. He was a delegate to the republican national convention held in Chicago in 1880. In 1881 he was chosen a member of the assembly of Wisconsin and in 1882 was elected speaker of that body. This position was one for which his superior attainments eminently fitted him, and so popular did he become with all parties that, at the close of the session, the members presented him with an elegant gold watch as a testimonial of their esteem.

Seeking a broader field for the exercise of his abilities, he removed, in 1882, to Milwaukee, where he became associated with his uncle, the late Judge Frisby, under the name of Frisby & Gilson. This title was changed, in 1887, to Frisby, Gilson & Elliott, by the admission into the firm of Eugene S. Elliott, which partnership continued for three years. At the end of this time Mr. Gilson, in accordance with a plan

recommended by the citizens of Milwaukee county, in 1887, to eliminate party politics from their judiciary, was, upon the resignation of Judge George H. Noyes, in 1890, appointed that gentleman's successor to the bench of the superior court by Governor Hoad. He was, with the exception of Judge Fish, of Racine, the youngest judge on the Wisconsin bench. On assuming his judicial duties, his active participation in politics ceased, and he devoted himself zealously to the work of his high office, bringing to his duties all the power of a clear, vigorous and judicial mind.

Besides his legal attainments, Judge Gilson was a man of rich scholarship. He was an inveterate reader of the best authors, and had a knowledge of English literature which was equaled by but few. He was particularly partial to poetry, and his mind was richly stored with the choicest selections, which at the slightest suggestion were at his command for the illustration of a thought or the entertainment of his friends. He had a genial, social nature and possessed a strong attachment to his friends, among whom he was a leading spirit. He never married.

Judge Gilson died at Milwaukee, on the morning of June 7, 1892.

His death was sudden and unexpected. He had risen somewhat earlier than usual and entered his library, where he was soon afterward discovered in his chair, dead. The summons had come without warning, the affection being pronounced neuralgia of the heart. The announcement of the sad event created a profound sensation among his friends. The various courts of Milwaukee adjourned, and meetings of the common council, the Milwaukee bar association and other local organizations were called to honor his memory, and the various bodies passed resolutions of respect.

The following extracts from the memorial of the Milwaukee bar give an indication of the esteem in which this worthy man was held. After giving a resume of his life, the memorial continues:

"Within such narrow bounds are compassed the meager records of this lawyer's life, records that may be still further condensed into four words: Birth, work, success, death. These tell the story of his career, but they fail to show the delicate lines that constitute the light and

shade of his individuality; nor do they adequately represent the affectionate regard and profound esteem that were inspired by the royal attributes of his character. Of such attributes there can be no photograph; the traits by which we recognize a manly man are beyond the limits of the limner's art, nor can human skill devise a mirror that will do more than indistinctly reflect the outlines of the portrait. In so far, however, as words can indicate those qualities of mind and heart that made him eminent, let this memorial of his brethren at the bar be admitted in evidence.

"Hardly twenty-eight months have passed since Franklin L. Gilson was invested with judicial honors. If, when he ascended the bench, there were some who doubted whether the successful advocate could safely exchange the gown for the ermine of the judge, such doubts were speedily removed. Fully conscious of the responsibilities of his high function, and sensible as well of the fallibility of human judgment and of the limitations upon his own strength, he entered upon the administration of his trust modestly, but with a confidence born of determination to do what was right, as God gave him vision to see the right. That he had a laudable ambition to be numbered among the great jurists who have added luster to the bar is doubtless true; but this ambition was entirely subordinate to the higher and nobler aim of taking rank as an upright, impartial and incorruptible judge.

"That he was successful in this, we, his brethren at the bar, attest. He held the scales of justice with a steady hand, uninfluenced either by prejudice or fear, by favor or affection; mindful only of the law, of which he was a zealous student, yet never regardless of that equity which supplieth those things of which the law is deficient. As a trial judge he was invariably urbane in his treatment both of counsel and witnesses, and had the happy faculty of impressing the same courteous demeanor upon all with whom he came in contact. As a judge he amply met the requirements of the ancient lawgiver in that he heard courteously, answered wisely, considered soberly and decided impartially.

"But not alone to his eminent merits as a lawyer do we, his associates and brethren, render tribute. Higher than the sagacity of the lawyer, greater even than the wisdom of a judge, was the manhood of the man. Sincerely trusting, as we know he did, in a divine and omnipotent Providence, he believed, as well, that humanity was mainly responsible for its own happiness and that no individual had a right to shirk his share in its promotion. He believed that the world was too dark to permit wanton waste of a single ray of sunshine, and, so believing, his great heart throbbed in sympathy with his kind. Nothing pleased him more than to pick up some gnarled and crooked specimen of humanity and try, with kindly words and cheery smile, to straighten it out.

"Thus, surrounded as with a halo of glory, in addition to his erudition and his integrity, was a magnetism of manner, combined with a human sympathy and a loyalty of disposition that speedily converted acquaintance into friendship, and made that friendship eternal. It was impossible for him to deceive a friend or betray a trust.

"Not a lawyer practiced before his bar who did not know that in the presiding judge he had a personal friend. Not a suitor left his presence who did not feel, even though he had lost his case, that he was enriched by knowing such a man.

"To a mind enriched by such generous qualities, he added an exquisite taste for the beautiful. His reading was vast and varied, and his knowledge of English poetry was remarkable. His memory was a conservatory in which he cherished the choicest flowers of literature.

"We were his friends, but the companions in whose society he indulged most, and with whom he found his chief delight, were sought in the privacy of his own room, and talked to him with winged words through sealed lips.

"Franklin L. Gilson is dead, wrested from life while yet his honors clustered, in obedience to a Divine decree from which there is no appeal. He was happy in his life, happier yet in his death, and most happy in a spotless character and an unblemished reputation. If he had faults, they were manly faults, such as only generous natures know; but the world was better for his living, for his presence was a benediction, as his example is an inspiration to noble aims and high and honorable ambitions."

The following quotations, taken from the addresses made upon the presentation of the bar memorial to the supreme court, give further indication of the esteem in which he was held by those who knew him best:

Hugh Ryan: "His character, his whole moral organization, had the grandeur of perfect simplicity, and the simplicity of true grandeur. I never knew a manlier, sweeter disposition, a nature more permeated by the broadest charity; a sunnier temper. Yet his was not the careless good nature of irresponsibility or indifference. He had infinite compassion and patience for the frailties inseparable from our imperfect human nature; but he had no mercy for deliberate dishonesty or palpable corruption. Honor was his idol. He had, as Burke expresses it, 'that chastity of honor that feels a stain like a wound.' Falsehood, spoken or acted, great or small, was abhorrent to his nature. Justice and truth were the breath of his nostrils. The mere possibility of tampering with dishonor, judicially or individually, could never have oc-

curred to him. He was singularly fair-minded and candid, and deeply imbued with the broad and wholesome spirit of equity; and it is no exaggeration to say that he was absolutely without prejudice."

Eugene S. Elliott: "The keystone of Judge Gilson's character was his sincerity. He was sincere in his friendships, sincere in the appreciation and performance of his duties, sincere in the motives which inspired his acts. The education of college, and the greater education by the experience of after life, taught him to reason well; but while yielding obedience to the dictates of his reason, he preserved a boyish lightness of heart and a tenderness of disposition fully feminine in its nature. Despising tawdry sentimentality, he was nevertheless intensely human. No living object was too low to escape his kind regard; my dog was his best friend, and he was the best friend of my dog. There was no dissimulation in the tears of the little newsboy who, standing afar, wept as they took away the body of his friend. Weakness attracted him; suffering aroused him; injustice stimulated every resource of mind and body into active opposition. In all this he was sincerely sincere."

John C. Spooner: "His memory was capacious and exceedingly retentive. Quick as a flash, he was a terror to the witness intent upon withholding or obscuring the truth. Of splendid physique, with great wealth of imagination, fine vocabulary and ringing, powerful voice, he was an advocate of exceptional strength.

"He combined the fiber and nerve of a giant with the tenderness and delicacy of a woman. Generous and chivalrous in his friendship, eager always to espouse the cause of the weak and helpless, frank and sincere in his intercourse with the world, passionately fond of children and proud of their fondness for him, his was a personality of peculiar charm.

"Well, indeed, it may be said of him, in whatever relation of life we consider him—as lawyer, judge, citizen or friend—the world is better for his having lived."

JOHN C. LUDWIG.

The vacancy on the bench of the superior court caused by the death of Judge Gilson was filled by the appointment of John C. Ludwig, a native of Milwaukee. He was born December 1, 1850, of German parentage. He was educated in the private schools of his native city, and during his youth and early manhood followed the trade of a jeweler. His inclination, however, was toward the intellectual rather than the mechanical, and the mastery of his trade was but the stepping stone to his profession. He began his legal studies in the office of John E.

Mann and F. W. von Cotzhausen, then partners, and was admitted to the bar March 25, 1875. About a year thereafter a partnership was formed with Peter J. Somers, and continued until April, 1882. The firm thus composed was recognized as one of the most reliable of the city. At this time Mr. Ludwig withdrew, practicing alone for the succeeding ten years, or until his appointment to the judgeship of the superior court of Milwaukee, on the 13th of June, 1892.

Judge Ludwig is a man of broad and liberal views. He has a large library of general literature and his culture is the result of persistent and discriminating reading and study. He has always been a warm and helpful friend of the public schools and the cause of education generally, his effective work being partially acknowledged by his election to the office of commissioner, his term of service covering the period from 1878 to 1881. Governor Peck appointed him trustee of the asylum for the chronic insane, but he resigned this position when he received the appointment of judge of the superior court. In April, 1893, Judge Ludwig was elected to the position for six years, from January 1, 1894, and it is not too much to say that no incumbent of that office has conducted himself with more firmness, ability and courtesy than he.

Prominence as a professional man and a public-spirited citizen does not prevent Judge Ludwig from being a leader in many organizations, both social and benevolent. He is identified, as to his religion, with the Catholic church.

Judge Ludwig was married to Miss Elizabeth Berlandi, of Milwaukee. They have twelve children living.

ROBERT N. AUSTIN.

In 1891 the legislature provided for an additional judge of the superior court to be first elected in April of that year for the term of six years. Robert N. Austin was elected such judge and served the full term.

Judge Austin was born in Carlisle, Schoharie county, New York, on the 19th of August, 1822. His father, a Presbyterian clergyman, died while still a young man, leaving his wife with her infant son in straitened circumstances. The boy was reared by friends and as he de-

veloped physically displayed qualities that indicated a strong legal mind and a retentive memory. He was a bright scholar, and at the age of sixteen began to teach school in the neighborhood in which he resided. He thus obtained means sufficient to enable him to continue his studies in the academies in Ames, Montgomery county, and Nassau, Rensselaer county. He then entered Union college, Schenectady, from which he was graduated in 1845. His tuition in these several institutions of learning, as well as his "keep," were paid for with money earned by hard and arduous labor. Any honorable occupation, from that of driving a plow to school teaching, was resorted to in order to enable him to obtain a collegiate education. After the receipt of his degree he became the principal of an academy at Cherry Valley, Otsego county, New York. He contemplated entering upon the study of theology, but finally determined to make the study and practice of the law his life work. Therefore he entered the office of Jabez D. Hammond,* as a student, and was admitted to the bar in December, 1847, in Funda, Montgomery county, New York.

Six months later, in May, 1848, he followed his mother and sister to Milwaukee, where he entered upon the practice of his profession. In less than a year later he formed the partnership of Austin & Schoff, which continued about two years; this firm was succeeded by Austin & Dunn. In 1858 Mr. Austin formed an association with the late Nathan Pereles, which continued for ten years, with great success. In 1867 D. H. Johnson, now judge of the circuit court, was admitted to the firm. This firm was one of the most prosperous at the Milwaukee bar, but in 1869, owing to Mr. Pereles' failing sight, it was dissolved. In 1869 the partnership of Austin & Wallber was formed, and continued until 1873, when Mr. Wallber retired to fill the office of city attorney, to which he had recently been elected.

After practicing alone for two or three years Mr. Austin formed an association with Henry C. Runkle, and later W. H. Austin was admitted into partnership. The firm of Austin, Runkle & Austin occupied high position at the bar until 1890, when our subject was elected

* Author of Hammond's Political History of New York.



Geo. F. Sutherland

city attorney. The following year, when the second branch of the superior court was organized, he was elected judge thereof and served until 1898.

Always of studious habits, Judge Austin still devotes most of his spare time to literature. Having a natural fondness for languages, he reads German, French, Latin and Greek† with facility.

GEORGE EATON SUTHERLAND.

Mr. Sutherland is the successor of Judge Austin on the bench of the superior court of Milwaukee. He was born in Burlington, Otsego county, New York, September 14, 1843, being of Scotch descent. His great-grandfather came to America on account of political persecution; his grandfather was a native of the Green Mountain state.

Mr. Sutherland's father, Samuel Waite Sutherland, was a farmer of a studious disposition, and the soul of integrity. His mother, Amy Smith, was of English ancestry, the daughter of Ezra Smith, a sea captain of New London, Connecticut. From her the son George inherited that energetic and steadfast disposition which, combined with the paternal traits, formed a character of remarkable symmetry and one calculated to bring its possessor into the front ranks of the profession. Unfortunately, his mother died when the boy was but seven years of age and for the succeeding three years he drifted homeless from one relative to another. Finally, however, at the age of ten, he found an abiding place with his elder brother, Andrew, who was a teacher in Norwich, Connecticut, and determined that he should have a systematic intellectual training, which, up to this time, he had not enjoyed. Here, and subsequently at Waukau, Winnebago county, Wisconsin, whither his brother's family had removed, the boy attended school and worked upon a farm until he was sixteen years of age. He then returned to his old home in New York, teaching school for two winters and attending for two summers the West Westfield academy.

When the civil war began Mr. Sutherland was in his eighteenth year. His services were accepted by the government September 30,

† Within the last five years he has written a translation of the New Testament from the original Greek.

1862, when he had but just entered his nineteenth year. Upon that date he enlisted in company A, first regiment New York light artillery, known as Bates' battery. At first he was sent to Albany barracks to be drilled and thence dispatched to the defenses of Washington. During the year 1863 the battery was ordered to Philadelphia and Pottsville, Pennsylvania, to the scene of the draft riots, but, upon the whole, it remained so inactive as to be distasteful to the energetic young man. He therefore obtained permission from Captain Ramsey, the adjutant general, to attend the Philadelphia military school, where officers were being instructed for the special command of colored troops. He passed the required examination before the military board sitting at Washington, and was at once recommended for appointment as captain. General Casey telling him he was too young for a field officer, he did not receive his commission until July 23, 1864, when, although less than twenty-one years old, he was commissioned captain by President Lincoln and sent to Eddyville, Kentucky, to recruit colored troops for the thirteenth United States C. H. A. While thus engaged he was taken prisoner by the enemy, wounded in the arm and rescued by a gallant, loyal woman and taken to a Union gunboat. Before he could receive proper surgical treatment the bullet remained three days in his arm, with the natural result of inflammation and delirium, and when he reached the hospital at Clarksville, Tennessee, he took to his bed under an attack of typhoid fever. After remaining in bed for three months he had regained sufficient strength to undertake the work of recruiting at Caseyville and Owensboro. Later he was detailed as commissary of subsistence at Smithland, Ky., and became a member of the military commission and court-martial which sat at Camp Nelson and Lexington, Kentucky. These duties he discharged from May to November, 1865. He was mustered out of the service on the 26th of the latter month.

With the close of the war Captain Sutherland resumed his studies where he had discontinued them to serve his country. Until July, 1868, he attended Ripon college, and during the next month entered Amherst college as a junior, graduating with honors in the classical course of the latter institution. In the summer of 1870 he commenced

the study of law in the office of Judge Willard, at Utica, New York, and completed his legal course at the Columbia college law school, of which at the time the dean was the scholarly Timothy W. Dwight, who complimented Captain Sutherland by saying that he was one of the best students he had ever instructed.

Mr. Sutherland was admitted to the bar at Oshkosh on September 1, 1871, but commenced to practice in Ripon. His first partner was A. B. Hamilton, brother of General C. S. Hamilton, so prominent in the military and professional annals of Wisconsin. In June, 1874, he removed to Fond du Lac, and formed a partnership with Judge David Taylor which continued until the latter was elevated to the bench of the state supreme court.

In 1872, while a resident of Ripon, Mr. Sutherland was elected city attorney of that place, also a member of the county board, and was a member of the state senate from 1880 to 1882. During the former year he served as chairman of the committee which investigated the affairs of the state insane hospital and whose work expanded into an examination of the management of the charitable and penal institutions of the state. The report of the committee created widespread attention, its conclusion being that to place the government of these institutions in the hands of unsalaried trustees was productive of much evil and that the remedy was to create a board of salaried supervisors, the members of which were to manage the affairs of the charitable and penal institutions of the state and be accountable to the state. A bill embodying these features was subsequently introduced by Mr. Sutherland and unanimously passed both houses. It was then a novel proposition, but the wisdom of this reform has been acknowledged not only by the state of Wisconsin, but by many other commonwealths which have subsequently adopted the same plan.

It should also be said that in 1883-85 Mr. Sutherland served as postmaster of Fond du Lac, being removed by President Cleveland for "offensive partisanship."

Wishing a broader professional field, in 1886 he removed to Milwaukee, where he has been in partnership with Joshua Stark, W. J. Turner and W. H. Timlin. In the spring of 1897 he was elected judge

of the superior court of Milwaukee county, defeating Judge R. N. Austin, an old, popular and well-known member of the profession. Judge Sutherland fills the position not only with dignity, but with marked ability and fairness, and to the general satisfaction of the bench and bar. His elevation was a well-deserved promotion and a merited climax to his professional career in the state. As to the individual traits which have brought about this success, the most prominent are industry, candor, entire impartiality and the genius of instinctively seeing the main point of an issue and concentrating every energy upon it.

Judge Sutherland is a member of the Loyal Legion, of which he was chosen commander in 1894, and is also a member of E. B. Wolcott Post, Grand Army of the Republic. He is also connected with the Old Settlers' club of Milwaukee. A Congregationalist in religious belief, he is actively identified with Plymouth church, having been chairman of its board of trustees for many years.

Mrs. Sutherland in her maiden days was Miss Adela E. Merrell, sister of President Merrell, president of Ripon college, and connected with its faculty for over thirty-five years. She was married to Judge Sutherland at Kirkland, New York, May 3, 1871, and was a woman of rare education, culture and artistic tastes, as well as a leader in charitable and religious work. She died May 8, 1898, and no Milwaukee woman was ever more generally lamented. Two daughters—Amy M. and Agnes M. Sutherland—survive to comfort the bereaved father.

THE MUNICIPAL COURT.

The legal provisions for the orderly administration of justice in cases of crime in Milwaukee have been anomalous from the time of the incorporation of the city. The original charter, passed in 1846, provided that the common council should designate one of the justices of the peace elected within the city to be a police justice, and conferred upon such police justice, in addition to the ordinary powers and duties of a justice of the peace, "sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city;" and also "exclusive jurisdiction in all cases in which the city was a party." Other justices of the city were authorized to

issue warrants in criminal cases returnable only before the police justice, but without fee.

In 1850 an act was passed giving the justice of the peace of the fifth ward concurrent jurisdiction with the police justice of criminal offenses committed within his ward. This act was repealed by the new and revised city charter passed in 1852, which made the police justice a city officer, to be elected as such annually, and to exercise exclusive jurisdiction in criminal cases only, within the city, cognizable before a justice of the peace.

The office of police justice was held by Clinton Walworth, one of the pioneer lawyers of 1836, from 1846 until it was superseded in 1859. Mr. Walworth was a native of Otsego county, New York, and a nephew of Chancellor Walworth of that state. He came to Milwaukee at the age of twenty-one and identified himself early with its life and interests. He was modest and retiring, of courteous manners and dignified bearing. His long service as police justice by virtue of repeated annual elections proves the high esteem in which he was held as a citizen and magistrate.

In 1859 an act was passed by the legislature creating the municipal court of the county of Milwaukee, with jurisdiction concurrent with the circuit court of said county, "to hear, try and determine all cases of crimes and misdemeanors of whatsoever kind—except such as may be punishable with death or in the state prison for life—that are or may be cognizable before the circuit court, which may be committed in the county of Milwaukee." This court was also invested with the powers and jurisdiction of the police justice of the city, and that office was abolished upon the election and qualification of the municipal judge.

Under this act the municipal judge was made "chief magistrate of the city of Milwaukee," and the powers of a justice of the peace in criminal cases, not indictable, and in city prosecutions, were vested in him; and the same court was made a court of record, with power to try indictments for all criminal offenses not punishable with death or life imprisonment, and with exclusive jurisdiction of appeals from justices of the peace of the county in criminal cases; all examinations, recognizances and commitments from justices of the peace were to be certified

and returned to such court instead of the circuit court. All laws conferring powers and jurisdiction upon circuit courts or the judges thereof, in criminal cases, or regulating the proceedings of such courts or the judges therein, were extended to such municipal court and its judge, and the judgments of such court were declared to be subject to examination and review by the supreme court in the same manner and to like extent as the judgments of the circuit courts of the state. In substance and effect, the act combined in one court and one and the same judge all the powers and jurisdiction of the circuit court in criminal cases—capital cases only excepted—with the exclusive powers and jurisdiction theretofore exercised by the police justice in the city.

The act creating this court was approved by the governor March 18, 1859, but it was not officially published until June 29th of the same year. As directed by the terms of the act, the first election of judge and clerk of the court was held on the first Tuesday of April, 1859. Erastus Foote, having been elected judge, proceeded at once to organize the court, empanel juries, receive and try indictments, sentence persons convicted, and, in short, to exercise all the powers conferred by the act.

About this time the supreme court, construing a provision of the state constitution, decided that any act affecting general public interests, though in terms applying only to a particular county or city, must be deemed a general law in the sense of that provision of the constitution requiring that every general law must be published before it shall take effect. Attorneys quickly perceived the bearing of this decision upon the new court. The election for judge and clerk had been held before the act creating the court was published, consequently before the act went into force. The validity of the election and the authority of the judge were questioned and soon boldly denied. Proceedings were begun for the discharge of men imprisoned under sentence of the court. The greatest confusion prevailed to the prejudice of criminal justice until February 21, 1860, when the supreme court, on a quo warranto proceeding prosecuted by the attorney general, held the election invalid and gave a judgment of ouster against Judge Foote. The court held, however, that his judicial acts, done after the date of publica-

tion of the act creating the court, were valid, as the acts of a de facto judge or court.

To meet the emergency, the legislature, then in session, promptly passed an act, which was approved and published March 1, 1860, directing that a special election be held on the first Tuesday in April to fill the vacant offices of judge and clerk, and authorizing the governor to fill the vacancies meanwhile by appointment. James A. Mallory was both appointed and elected judge under this special act, and early in March, 1860, entered upon a period of judicial service which continued without interruption for nearly thirty years.

In 1865 the legislature gave the court jurisdiction, concurrent with the circuit court, of all actions for breach of any recognizance given in the court in any criminal prosecution, requiring, however, that a transcript of the judgment in any such action should be filed and the judgment docketed in the office of the clerk of the circuit court of the county to make it a lien on real estate. In 1879 the jurisdiction was further enlarged so as to be "concurrent and equal with the circuit court of the county in all cases of crimes and misdemeanors arising in the county." Since then the circuit court of Milwaukee county has exercised no criminal jurisdiction whatever, except in cases removed to it from the municipal court or from some other county for legal cause. For thirty-five years virtually the whole administration of justice in cases of crimes and misdemeanors of every grade, including prosecutions for violations of city ordinances and all sorts of petty offenses, was the function of this court exclusively.

The municipal judge devoted the morning of each secular day to the summary hearing and disposition of all cases brought before him by the city police or otherwise, with or without process, for the violation of criminal laws of the state committed in Milwaukee county, or of the ordinances, laws, rules, regulations, resolutions and by-laws of the city of Milwaukee, and to preliminary examinations of persons charged with indictable offenses; and then, at the same place and in the same atmosphere, putting on the airs and assuming the dignity of a court of record, took up the formal trial of the gravest crimes. The only relief afforded the judge from the pressure of these varied and incongruous

duties was found in the power given him in case of his absence, sickness, or inability for any cause to attend to his official duties, to designate one of the justices of the peace of the city to temporarily discharge any of such duties, except the holding of a term for the trial of indictable offenses.

ERASTUS FOOTE.

This gentleman, of whom mention has been made, was born at Plymouth, Chenango county, New York, in 1809. He studied law and was admitted to the bar in the same county. Soon after his admission to the bar he removed to Greene, in Chenango county, where he practiced his profession for a short time and then removed to Wisconsin, and located at Geneva, in Walworth county. In 1852 he removed to Milwaukee and for a short time was engaged in law practice in co-operation with H. L. Palmer. He was afterwards elected, as stated, judge of the municipal court of Milwaukee, the duties of which he discharged with a fair degree of satisfaction, for, although he was not possessed of remarkable abilities, he had a fair and equable mind and temper, by means of which the conclusions at which he arrived gave general satisfaction. He died at Milwaukee on the 16th of February, 1875.

JAMES A. MALLORY.

Mr. Mallory was born in Washington county, New York; when he was about six years of age he removed to the western part of the state; his general and legal education was received in his native state, and he was admitted to the bar in Buffalo. He came to Wisconsin in January, 1851, having practiced for a time in Buffalo. He was district attorney of Milwaukee county in 1855-58, being chosen for a second term without opposition. In March, 1861, he was appointed judge of the municipal court, and by repeated elections held that office until 1890. He was three times elected without opposition. In 1877 he was the democratic candidate for governor, but was beaten by William E. Smith. It



Emil Waller

has been written of Judge Mallory that "as judge he was prompt, able, efficient and fearless, dealing out justice fairly and impartially, but with a positiveness and decision which struck terror to the hearts of the criminal class."

EMIL WALLBER.

Judge Mallory was succeeded in January, 1890, by Emil Wallber, the present municipal judge, who has proved a worthy and able follower of his veteran predecessor. Mr. Wallber is a type of the German-American who is doing so much to weld into the national character those traits of thoroughness, perseverance and practical industry which have made the German himself so strong and masterful. He was born in Berlin (April 1, 1841), as were his parents, Julius and Henrietta (Krohn) Wallber. When Emil was nine years of age they emigrated to the United States, settling in New York city. Here he attended the public schools and the New York free academy, but having resolved to adopt the law as his life work, he decided to select Milwaukee as his home. As after events proved, both decisions were wise.

Settling in Milwaukee in 1855, when but fourteen years of age, young Wallber accepted a position as clerk for Charles F. Bode, then the most prominent justice of the peace in the city, and afterwards entered the law office of Edward Salomon and Winfield Smith, both distinguished lawyers and public characters of note. Upon the death of Governor Harvey, in April, 1862, Mr. Salomon, then lieutenant governor, succeeded to the gubernatorial chair, and, until the end of his term, Judge Wallber served as chief clerk to his excellency. Admitted to the bar in 1864, he was appointed by Winfield Smith, attorney general of the state, as his assistant, holding that position until 1866.

Returning to Milwaukee, he so impressed his individuality upon the public that he was soon acknowledged as one of the city's leading lawyers, but was continually honored with official gifts. He represented the sixth ward as a school commissioner from 1870 to 1873, and was president of the board from 1871 to 1873. Judge Wallber was elected to the legislature of 1872 and served as city attorney from 1873 to 1878, and declined a renomination to the latter office. He was court commis-

sioner for ten years, and from 1883 to 1890 was a member of the board of regents of the Wisconsin state normal schools. In 1884 he was elected mayor of Milwaukee and re-elected in 1886, serving two full terms. Whatever Judge Wallber found to do he did with all his might and with such marked effects that he was advanced from one station to another until, in April, 1889, he was elected judge of the municipal court and re-elected in 1895. He succeeded James A. Mallory, who had remained upon this bench for many years.

- In social and fraternal circles Judge Wallber has for many years been a conspicuous figure, being a member of Aurora lodge No. 30, A. F. & A. M., and of the order of Sons of Hermann. He has also been identified with the Turnverein Milwaukee, the Milwaukee Musical society and the Kindergarten Verein.

- The multifarious powers and functions of the municipal court remained unchanged until the legislative session of 1895, when the office of police justice was again created and vested with the usual powers and jurisdiction of such inferior courts, the municipal court, over which Judge Wallber has been again chosen to preside, retaining only its appellate jurisdiction and its power, concurrent with the circuit court, for the trial of informations and indictments.

CHAPTER XVIII.

THE THIRD CIRCUIT, ITS JUDGES AND LAWYERS, AND THE COUNTY COURT OF WINNEBAGO COUNTY.

BY MOSES HOOPER. (1)

The third circuit comprises the counties of Winnebago, Green Lake and Calumet. Present judge, George W. Burnell.

Green Lake county is the only territory now in the circuit which formed part thereof as at first organized.

The third circuit, comprised the counties of Washington, Dodge, Columbia, Marquette, Sauk and Portage. (2) Marquette then included the territory now Green Lake county, which was detached from Marquette and made part of the third circuit. (3) Its earlier judges were C. H. Larrabee, A. Scott Sloan and John E. Mann. Sketches of their lives are given in other chapters.

Winnebago county was originally in the fourth circuit. (4) It was detached from fourth and attached to tenth in 1858. (5) It was detached from tenth and attached to third in 1870. (6)

Calumet was originally part of fourth circuit but attached to Fond du Lac county for judicial purposes. (7) In 1850 it was organized for judicial purposes. (8) In 1881 it was detached from the fourth circuit and attached to the third. (9)

While the county of Winnebago was a part of the fourth circuit, its circuit judges were Alexander W. Stow and Timothy O. Howe. Judge Stow was elected judge of the fourth circuit on May 13th, 1848.

(1) Mr. Hooper is not responsible for the biographies embodied in this chapter.

(2) R. S. 1849, p. 411.

(3) Ch. 17, laws 1858.

(4) R. S. 1849, p. 411.

(5) Ch. 57, laws 1858.

(6) Ch. 22, laws 1870.

(7) R. S. 1849, p. 411.

(8) Ch. 84, laws 1850.

(9) Ch. 37, laws 1881.

He continued to hold this office until January, 1851, when Timothy O. Howe was elected his successor.

When Judge Stow was elected judge of the fourth circuit the constitution provided that "the judges of the several circuits shall be judges of the supreme court." (10) It also provided that "one of said judges shall be designated as chief justice in such manner as the legislature shall provide." (11)

The legislature provided that "the judges of the circuit court elected at the first election thereof shall be classified by lot to be publicly drawn by the secretary of state. . . . The classes shall be numbered 1, 2, 3, 4 and 5, according to the time of service of each, the class having the shortest time to serve being number one, and the judge whose lot shall fall in class number one shall hold his office for two years and until his successor shall be chosen and qualified. The judge whose lot shall fall in class number two shall hold his office for three years and until his successor shall be chosen and qualified," &c. . . . "And said judges shall then and there ballot for one of their number to be the chief justice, and the person having a majority of all the ballots cast shall be the chief justice." (12)

Judge Stow's lot was to rank as class one, term two years. He was elected on the ballot, and served as such chief justice until January, 1851.

Timothy O. Howe was elected judge of fourth circuit in 1850, and entered upon his duties in 1851. He did not hold through his term, but resigned in January or February, 1855.

Wm. R. Gorsline was, on February 24th, 1855, appointed to fill the vacancy and on April 3d, 1855, was elected to the office.

In 1858 Winnebago county was transferred from the fourth to the tenth circuit, wherein S. R. Cotton was judge. (13) He continued to hold court in Winnebago county until 1861.

Edwin Wheeler was elected judge of the tenth circuit on 2d April, 1861, and held the office until his death on January 23d, 1864.

(10) R. S. 1849, p. 29. Const., art. VII., sec. 4.

(11) R. S. 1849, p. 29. Const., art. VII., sec. 7.

(12) R. S. 1849, p. 760, sec. 4.

(13) Ch. 57, laws 1858.

On February 2d, 1864, G. W. Washburn was appointed to the vacancy of judgeship of tenth circuit. Early in 1870 Washburn resigned and on April 13th, 1870, Ezra T. Sprague of De Pere was appointed to fill the vacancy. He held no term in Winnebago county, as it was, in 1870, transferred from the tenth to the third circuit. (14) D. J. Pulling was judge of the third circuit at that time. On transfer of Winnebago county to his circuit he removed to Oshkosh. He continued to be judge of the third circuit until the fall of 1884, when he resigned and removed to Wasau. On September 30th, 1884, George W. Burnell was appointed to fill the vacancy in judgeship of the third circuit. He still holds the office.

Hence the circuit court of Winnebago county has been presided over by Alexander W. Stow, of Fond du Lac; Timothy Howe, of Green Bay; Wm. R. Gorsline, of Sheboygan; S. R. Cotton, of Green Bay, and Edwin Wheeler, G. W. Washburn, D. J. Pulling and George W. Burnell, of Oshkosh.

Judge Stow was the first chief justice of the state. He was entirely a judge. He was a man of rare frankness and sincerity. He never willingly took credit for being or doing other than what he was or did. He was held in high regard by the community and the bar, and by his associates on the bench, where he was in fact, as well as in law, chief. His avocation was farming. He was wealthy, a bachelor and a fine gentleman.

Timothy O. Howe's relations to the state were more political than judicial. Soon after he came to the bench of the fourth circuit the judiciary system of the state was changed by the organization of a supreme court separate from the circuit judges. (15)

His judicial career, though limited to the fourth circuit, was thoroughly creditable to his temper and ability. Many anecdotes related of him show his humorous, kind, but firm temper on the bench. Mr. — was once about to argue an equity case before him. There was much testimony, and Mr. — had set out an array of authorities. At the outset, the judge said: "Mr. —, the court doesn't care to

(14) Ch. 22, laws 1870.

(15) Ch. 395, laws 1852.

hear any argument for the plaintiff." "But," says Mr. —, "my client has put me in charge of his case and I feel it my duty to make an argument." The judge replied: "Can we not compromise? If you will forego the speech I will give the judgment you ask."

The judge once sent out a special venire for jurors, including Senator Sawyer, who was then a sturdy, busy lumberman. The venire was served on Mr. Sawyer, who said, "I have other work on hand," and proceeded on his business. Having finished the business, and being at leisure, his mind turned to his disregard of the process of the court. He went to the court, reported to the judge, and found that process had been issued to arrest him for contempt. He frankly stated the facts. The judge said his own feelings were not much injured, and that he thought the state could well afford to forego the fine, but that the sheriff and clerk had bills for service. The lumberman took out his pocket-book, in his good-natured way, but no one would take any money. Then the two principal actors shook hands. Just here, in the courtroom (a hall over two stores in a balloon framed building) commenced the acquaintance and friendship of two men who have since had much to do with the affairs of the state and nation. This friendship was warm, constant and lasted through the life of the then judge.

Some opinions of Judge Howe appear in Vol. 3 of Pinney's reports. They show sound judgment and learning.

Senator Sawyer says Mr. Howe was true and even chivalrous in his friendship, that his temper was to risk his own safety for the safety of his friend.

Wm. R. Gorsline resided at Sheboygan. I saw him on the bench but once, and can only say that he seemed to be a polished, suave, self-possessed judge.

Judge Cotton resided at Green Bay. Was a marked character. Besides being judge, he was a notable man at Green Bay. It was while he was holding court at Oshkosh that I commenced practice. I have always felt grateful to him for the kind attention he paid to the arguments of the callow practitioner. A reason from the tongue of a boy was as weighty with him as if it came from a solon. His attitude to-

wards the mere tyro was a great comfort to me. He impressed me as a man of great courage and devotion to principle.

It is said that a saloon-keeper had been fined ten dollars for selling without a license. Knowing that the judge was not a teetotaler, he appealed. His case being called in the circuit, he plead guilty, expecting to be fined a dollar. The judge, on hearing his plea of guilty, took in the situation. So he said: "Your plea of guilty is the best possible evidence of your guilt. I fine you fifty dollars and costs, and am sorry that I can't fine you more."

Judge Wheeler was a clear-headed, feeble-bodied man. In walking along with him you felt like taking his valise or package and carrying it for him as you would for a woman. But you felt no inclination to carry his mental load. His brain seemed clear and strong, though his hand was weak. Clear, calm, cool and with right instincts, he was always equal to the occasion.

Judge Washburn still lives in Oshkosh. He was admitted to practice in the supreme court of the territory of Wisconsin on July 20th, 1847. A list of attorneys whose admission to practice in that court was made matter of record appears on pages 1, 2, 3, of 1st Pinney. I know of but two of that list now living. They are Judge Washburn, and Judge Alex. L. Collins, who now lives with his son at Menasha.

Judge Washburn was considered, by all parties, exceptionally impartial. His temperament and bearing were such that defeated parties felt sure that he had given them what seemed to him proper and just. The bitterness of defeat was never intensified by the feeling that there was inattention or prejudice on the part of the judge. Whatever the case, whoever the parties, there was implicit faith that the judge would do or had done what to him seemed right. There is often, no doubt, unjust suspicion that defeat has come through the neglect or prejudice of the judge. But no such suspicion arose regarding Judge Washburn. I think he was more entirely free from any suspicion of prejudice than any judge I ever knew.

I have understood that he resigned because he thought the salary inadequate to support a considerable family and provide a competency for declining years. Since his resignation he has succeeded as a man

of affairs. I have heard him say that in the early days of Wisconsin he frequently dreaded to learn that the postoffice held a letter for him because he didn't know where to find ten cents to pay the postage.

Judge Burnell is a Vermonter. That is saying much in a few words. It means that he stands over six feet in his stockings, and has a long head as well as body; that he loves fair play and stands for a large measure of personal liberty.

The judge is a man of more than ordinary mental force, and fortunately that force finds its best use on the bench. When at the bar he showed ability to originate reasons and arguments. On the bench he shows more ability to weigh and judge of reasons and arguments.

He is a man of large social capacity. He has a ready wit and makes an excellent after-dinner speech.

COUNTY COURT OF WINNEBAGO COUNTY.

In 1860 jurisdiction in other than probate cases was given to the county court of Winnebago county. (16) A. P. Hodges was then judge of this court, term to expire January 1st, 1862. In September, 1861, Hodges was re-elected for term, 1st January, 1862, to 1st January, 1866. On December 31st, 1861, he, having in November, 1861, been elected state prison commissioner, resigned, resignation to take effect January 1st, 1862. G. W. Washburn was appointed to fill the vacancy. On April 1st, 1862, votes were cast for county judge for unexpired portion of term 1862 to 1866—all for Earl P. Finch. Finch qualified, but Washburn held the office. Finch filed quo warranto against Washburn, but the court held Washburn entitled to the office for the full unexpired term, 1862 to 1866. (17) Washburn held accordingly. J. B. Hamilton was elected in April, 1865, for the term 1866 to 1870. In April, 1869, George Gary was elected for the term 1870 to 1874, and re-elected for terms 1874 to 1878 and 1878 to 1882, and 1882 to 1886. Gary resigned on April 1st, 1882, and J. B. Hamilton was appointed to fill the vacancy in the term 1882 to 1886. C. D. Cleveland was elected for the terms

(16) Ch. 361, laws 1860.

(17) State ex rel. Finch vs. Washburn, 17 Wis., 658.

1886 to 1890, and 1890 to 1894, and 1894 to 1898. He still holds the office.

So we have had to preside over the Winnebago county court, with other than probate jurisdiction: A. P. Hodges, G. W. Washburn (who was also circuit judge), J. B. Hamilton, George Gary and C. D. Cleveland. All but Hodges are now living.

Judge Hodges was a genial, gentlemanly man of affairs. He was well read, of good, sound judgment, but not especially devoted to the law. He was rotund, polite and affable. On taking the office of state prison commissioner, in 1862, he left Oshkosh and never returned to make his home there.

Judge Washburn is better known as judge of tenth circuit than as county judge.

J. B. Hamilton was a lawyer. He always showed, while on the bench, patient deliberation and the thorough training which he received in New York, from which state he came to Neenah, Wisconsin, at an early day. The bar and the people had confidence in his judgment and integrity. He was well fitted for judicial functions.

It was with him as an antagonist, and at Neenah, that I commenced to fight the professional battle. I remember his many courtesies. They seem brighter to me as memory gives them riper color.

George Gary came to the bar at middle age. He is a brother of Judge Joseph E. Gary of Chicago. He was and is a pure, kind, generous, sympathetic man. He was and is loved by his friends and respected by those opposed to him. He was a good judge and served well on the bench. But he has been more useful to the profession through his work on Probate Law, the standard text-book upon that branch. He has well earned the respect he receives and much more money than has been paid to him. He has succeeded as a lawyer and as a judge more than as a man of affairs.

C. D. Cleveland now holds the office of county judge of Winnebago county. He is on his third term—eleventh year—of service. There has not been, at either of the three elections wherein he has been chosen, any opposition. The bar and the people have been and now are of one mind—that he was and is pre-eminently fit for the place. He has shown

himself every inch a judge. He weighs proof and argument with very exact scales. A reason is to him a reason, no matter what its source. The place (the judicial office) fits the man and the man fits the place. His willingness to hold this office is the good fortune of the people.

DAVID J. PULLING.

David J. Pulling was born in Genesee county, New York, in 1814. His father was a successful physician and surgeon, and was desirous that his son should fit himself for the same profession, but on account of an accident in his youth young Pulling was compelled to abandon all study for a time, and later, being left to his own choice, took up the study of the law and was admitted to the bar in 1838. In 1845 he came west and located at Fox Lake, Wisconsin, on an island in the Fox lake which still bears the name, "Pulling's island." On arriving in Wisconsin he embarked in the business of merchandising. This proved a failure, and after a brief career as a merchant he returned to the practice of his profession and moved to Portage City, where he continued in the successful practice of the law for a number of years. In 1859 he returned to Fox Lake, and resided there at the time of his election as judge of the third judicial circuit. He then moved to Beaver Dam, where he resided until 1870, when he removed to Oshkosh, remaining there until his resignation from the bench in 1884.

Judge Pulling was judge of the third judicial circuit from January, 1867, to October, 1884, having been first elected to succeed Judge Mann, who had occupied that position since 1859. In those early days conflicts over the removal of the seat of county government were not unusual, and one of the first causes that was tried before the new judge was the somewhat celebrated case of *State ex rel. Hopkins vs. Olin*, growing out of an election on the question of the removal of the county seat of Green Lake county. Eminent counsel appeared at the trial, and several new and important rulings made by Judge Pulling, afterwards affirmed by the supreme court, resulted in a radical change in the conduct of campaigns and elections, and terminated the practice then in vogue throughout the state of appointing special deputy clerks for the purpose of taking declarations of intention to become a citizen.

In 1871 Judge Pulling was a candidate for the office of associate justice of the supreme court of the state. When first called to be a candidate he peremptorily declined, but later, having been further solicited by many distinguished lawyers throughout the state and the democratic members of the legislature then in session, yielded. The contest became largely a political one, and he was defeated by something less than the usual republican majority.

Judge Pulling was rapid in the disposition of the work of the court. He not only listened to everything that took place during the trial, but he studied the case as the trial proceeded, and seemed to comprehend the nature of the testimony to be offered, even before the witnesses were called. While the attorneys were engaged in selecting a jury he carefully read the pleadings and proceedings, and as the case proceeded it found him ready to appreciate the materiality of the evidence and the importance of every suggestion of counsel. His memory was most excellent, his knowledge of the principles of law well grounded, and for these reasons he was unsurpassed in his ability to properly charge a jury. He could state to them the testimony of any witness almost verbatim, without reference to his notes or calling upon the official reporter, and he so guided the deliberations of his juries that it was seldom that they fell into error or rendered a verdict that was unsatisfactory to the court. He decided every question promptly and with the appearance of every confidence in the correctness of his position. He soon earned the reputation of being one of the very best of *nisi prius* judges, and his reputation was by no means confined to his own circuit. In 1870, by the earnest solicitation of the Winnebago county bar, that county was detached from the tenth judicial circuit and added to the third, and as judge of this newly constructed circuit Judge Pulling heard and disposed of a large amount of the important litigation of the then rapidly growing northern part of the state. A good judge makes a good bar, and the bar of the third judicial circuit reflected the ability of the court. Judge Pulling's early practice was at a time when law books were less numerous than at present. In fact, he was distinguished as a member of the Columbia county bar when there were but two volumes of the Wisconsin reports. Of a necessity

he was not a case lawyer; by preference, he was not a case judge. It was immaterial to him what some other court or judge had decided, unless the decision was in accordance with his understanding of the principles of the law. Perhaps this is well illustrated by his decision at the circuit, in *Kent vs. Lasley*, reported in the forty-eighth Wisconsin, page 257. *Kent vs. Agard*, reported in the twenty-second Wisconsin, involved precisely the same controversy, with reference to the same subject matter. When, on the trial of the last case, counsel urged upon his attention that the same question, both as to law and fact, had been settled by the supreme court, he replied: "With all due deference to that court, I am still of the opinion that the judges were in error, and I shall insist on giving them another opportunity to examine the law." Such opportunity was given, and the supreme court receded from its earlier position and affirmed Judge Pulling.

Judge Pulling was naturally a courteous gentleman, and was especially kind and considerate to the younger and less experienced members of the bar. Many of those whose hair now is streaked with gray will ever remember his early kindness, and their genuine affection for the judge nothing can disturb. His kindly suggestions, of value then, of continued and increasing value as their practice has extended, are cherished by those who were admitted in his court.

Judge Pulling seldom received the benefit of a suspicion that he might be mistaken as to the law. The lawyer who came from his court room with the sting of defeat, still imbued with the idea that he was in the right, would only mutter, "Pulling knows better." In the latter years of his service his health failed him; for this reason he was sometimes irritable and considered by some dictatorial, and his relations with the bar, or, rather, some members of it, became less cordial, but in the spring of 1884 he was re-elected by an overwhelming majority, although he never qualified, and in October of that year resigned. His ill health continued, and in 1886 he was induced to try a trip to Florida, and was so well pleased with the climate and the beneficial results to himself that he removed there with his wife in the fall of 1887, and still resides there. Judge Pulling was twice married, his first wife dying in the east, before his removal to Wisconsin. His sec-

ond wife was Susan A. Webster, who came to Wisconsin with her father from New Haven, Connecticut, in the early '40s, and who died in Florida in the spring of 1896.

ELI C. LEWIS.

The resignation of Judge Pulling, in 1873, left the office of judge of the third circuit vacant. This vacancy was filled by the appointment of Eli C. Lewis, a resident of Dodge county, who served the greater part of a year, when Judge Pulling resumed his seat upon the bench. His resignation, it is understood, was made in order that he might, by re-election, be able to secure the increased salary provided by chapter 65, laws of 1873, which expressed that "in lieu of the salary now provided by law, judges of the circuit court shall, when entering upon a new term of office after the passage of this act, be entitled to receive a salary of three thousand dollars a year."

Mr. Lewis was born at Greenfield, Huron county, Ohio, August 24, 1822. Until he attained his eighteenth year he attended school. Soon after he left home, and commenced the study of the law in Norfolk, Ohio. In 1844 he was admitted to the bar of the supreme court of Ohio. In March, 1848, he came to Wisconsin and settled at Oak Grove, Dodge county; in 1849 he removed to Juneau, in that county, where he resided until his death, February 27, 1889. For fourteen years Mr. Lewis was district attorney; for several terms a member of the county board, president of the village of Juneau, and mayor of that city continuously from its organization until his death. His practice at the bar covered the whole period of his residence in the state, except the brief time he was circuit judge.

The memorial of the Dodge county bar says of Judge Lewis that "he was a good lawyer, possessed of good judgment; he intuitively seized upon the strong points of his case and exposed the weak ones of his adversary with a force of expression with which few men are gifted. The client who had him for his counsel was sure of having no points overlooked that would benefit his case; he was at all times courteous to the court and his opponents at the bar, but was bold in maintaining the rights of his client, whatever the consequences to himself. He

was quick to appreciate merit in others, and always had a kind word for his brethren of the bar. No man had less of professional jealousy. Especially was he kind and considerate to the younger members of the bar, manifesting an interest in their success, and ready with words of encouragement and advice."

Judge Lewis left surviving him two sons, P. G. Lewis, now of the Milwaukee bar, and K. C. Lewis.

GEORGE W. BURNELL.

George W. Burnell, who has served with distinction as judge of the third judicial circuit of Wisconsin, was born in St. Albans, Vermont, December 19, 1839, and is the son of Elias Burnell, a farmer and lumberman of that region. His ancestors on the paternal side were among the early colonists of Massachusetts, and of English descent. His mother—who, before her marriage, was Miss Margaret Olives—came of a New York family, of Knickerbocker antecedents.

Brought up on a farm, he received his early education in the common schools and academies of Vermont and New York, and completed it in New Hampshire institute at Fairfax, Vermont. He then took a course in the Albany law school and was graduated from that institution in the class of 1861. In 1862 he enlisted as a private in the tenth regiment of Vermont volunteer infantry, and was appointed second sergeant of company F of that regiment when the company was organized. January 19, 1863, he was promoted to second lieutenant of company C, and served in that capacity during the next year, participating in all the engagements of the regiment and experiencing all the phases of a soldier's life.

In January of 1864 he accepted a discharge from the regiment in which he had served up to that time and was appointed to the captaincy of company C, in the nineteenth regiment, U. S. C. I. Joining his regiment at once in the field, he was in active service during the campaign of 1864. The regiment was attached to Brigadier General Ferrero's division of the corps commanded by Major General A. E. Burnside, and achieved distinction for its bravery and fighting qualities in the campaigns of that year. It was this regiment which made a most



Geo. W. Burnell

gallant charge and subsequently a hopeless fight in the ragged crater formed by the springing of the mine in front of Petersburg, July 30, 1864.

In that unfortunate engagement Captain Burnell's company suffered severely, many thereof being killed, wounded and made prisoners. Left without support in a most perilous position, they kept up a brave struggle until ordered to retreat, many officers and men having perished. Captain Burnell, himself, was severely wounded and it was some time before he was able to again assume command of his company. During the winter of 1864 and 1865 he participated in the siege of Richmond, his regiment being attached to that portion of the army which operated on the north side of the James river, and was known as the "Army of the James." He continued in the field until February, 1865, when he resigned his commission and retired from the service with a record creditable to him alike as an officer, a soldier and a loyal defender of the Union.

Immediately after the war he came to Wisconsin and, locating in Oshkosh, began the practice of his profession, for which he had fitted himself before the war began. Opening a law office in that city he soon attracted to him considerable clientage, and steadily grew in popular favor, both as lawyer and citizen. Being chosen district attorney of Winnebago county, he became conspicuous for the zeal and ability with which he discharged the duties of that office, for his honorable methods of practice, and for his vigorous and able prosecution of criminals. In 1884 a vacancy occurred in the judgeship of the third judicial district and Jeremiah M. Rusk—then governor of Wisconsin—appointed Captain Burnell to fill the unexpired term.

Although a comparatively young man, Judge Burnell took his place upon the bench, admirably equipped by nature, education and legal training for the discharge of judicial duties. A spirit of fairness in all things was one of the distinguishing traits of his character, and his sense of right and justice dominated all other considerations in reaching conclusions, in cases at bar. That he had a broad grasp of the spirit and scope of jurisprudence, was evidenced early in his judicial career, and both the bar and the general public of the circuit looked with favor upon

his decisions and his conduct of the business of the court. As a result of this sentiment, he was elected his own successor for a full term in 1885, and re-elected in 1890 and 1896. Added years of service have increased his usefulness as a member of the state judiciary and given him a high standing among his contemporaries and associates on the bench. A republican in his political affiliations, he was somewhat active in politics during the early years of his residence in Oshkosh, but has taken no part in political campaigns since his elevation to the bench, believing political activity to be incompatible with the impartial exercise of judicial functions.

In addition to his prominence as a lawyer and a jurist, Judge Burnell has become well known throughout the state by reason of his connection with the veteran military organizations, being a member of the Grand Army of the Republic and also of the Loyal Legion; he served as senior vice-commander of the Loyal Legion in 1887 and as its commander in 1888. His labors in the preparation of reference digests to the reports of the supreme court have also added to his reputation. His first edition, published in 1889, covered volumes 55 to 73, both inclusive; the second, published in 1895, covered volumes 55 to 87, both inclusive. These works are a continuation of Starr's digest, and have proven themselves, by general use, to be accurate and great labor-savers.

In 1864 Mr. Burnell was married to Miss Carrie Morgan, daughter of Stephen B. Morgan, a Vermont lady by birth.

THE BAR.

CHARLES BARBER.

Charles Barber was born in Burlington, Vermont, September 21st, 1851, and is the eldest son of Doctor Ammi P. Barber, a distinguished physician. His mother—who, before her marriage, was Miss Kimetia Emily Noyes—was a daughter of Judge Breed Noyes of Hyde Park, La Moille county, Vermont, and both of his parents belonged to old New England families, the original Noyes ancestor in this country, a clergyman, moving from Salisbury, England, to Connecticut in 1634. His



Charles Lubben

father was a native of Vermont and his grandfather was one of the early settlers of the "Green Mountain" state. Antecedent ancestors were among the colonists of Connecticut, and the descent of this branch of the Barber family in America is from an immigrant ancestor who came to this country from the north of Ireland.

Doctor Ammi P. Barber removed to Oshkosh, Wisconsin, in 1857, and the son Charles was therefore brought up in that city. He obtained his early education in the public schools, and was a member of the first class graduated from the Oshkosh high school. Mr. Arthur Everett, a scholarly and accomplished gentleman, was then principal of the high school, and after being graduated from that institution, Mr. Barber entered upon and completed the equivalent of a collegiate course of study under his private tutorship. While pursuing this course of study, he also began the study of law in the office of Earl P. Finch, one of the leading members of the old bar of Oshkosh. He was assistant and vice-principal of the Oshkosh high school three years, and in 1873 went to New York city where he took the full course in the Columbia law school. Returning to Wisconsin, he was admitted to practice in the circuit court of Winnebago county, in the summer of 1874, and immediately thereafter formed a copartnership with his former preceptor, Mr. Finch. The partnership continued up to the time of Mr. Finch's death, in 1888, and the firm thus constituted was long recognized as one of the leading law firms in northern Wisconsin.

From September, 1874, to September, 1875, Mr. Barber filled the office of inspector of the city schools of Oshkosh—corresponding to the present office of superintendent of schools; has served as school commissioner one term, and in 1883 held the office of city attorney. With these exceptions he has held no official positions, and while he has always been a democrat of pronounced views in his political affiliations, and has been conspicuous in the councils and conventions of his party, he has persistently refused any kind of official preferment. Having devoted himself assiduously to the practice of his profession, his prestige and influence as a member of the bar has steadily increased, and although still a young man he has taken rank among the ablest and most successful lawyers of the state.

While he has become specially noted locally for a thorough, comprehensive knowledge of municipal law, corporation law, and commercial law, which has been evidenced both in the conduct of litigation and in the capacity of counselor, he has been recognized by his professional contemporaries in general as a well-rounded, well-equipped lawyer in every branch of the practice. He has apparently sought to avoid the criminal practice, but in two or three famous criminal cases tried in the courts of Wisconsin within the past few years, he has achieved distinction for the zeal and ability manifested in the discharge of a not altogether agreeable professional duty. His civil practice has grown to large proportions and extends into the higher courts of Wisconsin and other states, and into the United States courts. In 1877 he argued his first case in the United States supreme court, the case being one which involved the title to school lands in Indian reservations, and settled issues of much importance in the state of Wisconsin.

Mr. Barber is, and has been for many years, local attorney of the Chicago, Milwaukee & St. Paul Railroad company, and also of the Chicago & Northwestern Railroad company. He is also the senior member of the firm of Barbers & Beglinger, composed of himself, Mr. Henry Barber, his brother, and Mr. Frederic Beglinger.

Belonging to the class of lawyers who believe that controversies growing out of business transactions should be adjusted in the most business-like way, Mr. Barber's first-class business qualifications may be said to have contributed largely to his success as a lawyer. Prepared by a thorough knowledge of the law and the processes of litigation, to defend the interests of his clients at the bar, he has at the same time always sought to reach the best results obtainable, in the quickest and most direct way, and in this busy age, the lawyer who does this is bound to commend himself to the public. He has striven to keep clients out of court rather than to get them into court and at the same time, when put to the test, he is seldom overmatched as a jury and trial lawyer. Quick-witted, resourceful, courageous and vigilant, he is prepared always to contest every inch of ground, and few practitioners in northern Wisconsin have established a reputation for reaching with greater directness and precision the vital points of the case. A lawyer of fine at-



F. J. Barber

tainments, he is also a student of general literature, and his reading has covered a wide and varied field.

Identified with numerous business interests in Oshkosh, Mr. Barber was for ten years president of the street railway company of that city, is a director of the National Union bank, was one of the organizers of the German National bank, is a stockholder in that and other banking institutions, and is now president of the Times publishing company, publishers of the "Oshkosh Times," one of the leading democratic newspapers of northern Wisconsin.

He was married in 1879 to Miss Daisy C. Jenkins, a daughter of Captain James Jenkins of Oshkosh. Mrs. Barber died in 1891, leaving four daughters, and in 1893 Mr. Barber was again married, to Miss Mary B. Billings of Oshkosh.

FRANK JUNIA BARBER.

Frank J. Barber of Oshkosh, senior member of the law firm of Barber Brothers, was born at Wardsboro, Vermont, December 7, 1850, his parents being Junia D. and Sarah (Smith) Barber. His father, an agriculturist, was born in Wardsboro, Vermont, where he lived until 1868. He then moved to Townshend, Vermont, residing there until 1882, when his wife, the mother of our subject, died. After her death, he made his home with his sons and daughter, passing away at the residence of A. J. Barber, Oshkosh, on the 22nd of November, 1895, at the ripe age of nearly eighty-four years.

Through his grandmother (Rhoda Cushing), Frank J. Barber is descended from Mathew Cushing, of Norfolk, England, who in 1638 became a resident of Hingham, Massachusetts. It is well known to all who have read American history that the Cushings are among the most learned and honored of the families who have acquired national fame. It is said that Harvard College graduated thirty scholars of that name prior to 1825, and we have but to mention Caleb Cushing, of the Massachusetts supreme court, and William Cushing, judge of the United States supreme court, to indicate but two of Mr. Barber's distinguished ancestors.

The subject of this sketch was educated at the public schools of his

native town, at Leeland & Gray Seminary, Townshend, Vermont, and at Green Mountain Perkins Academy, Woodstock, Vermont. He taught school for six years, but the career of a pedagogue, honorable though it is, was not suited to his disposition. It was utilized, in fact, but as a means toward an end, viz.: to master and to practice the profession of the law. As he taught, therefore, he studied, buying the law books required from the proceeds of his salary. During vacations, instead of resting as he might from his labors, he worked upon the farm, endeavoring in every way possible to gather a fund for a regular legal education. Such determination and industry were not unrewarded, for he was enabled in March, 1874, to enter the Albany Law School, possessed of a good law library, and in April, 1875, he graduated from that institution with about \$100 of cash in his pocket, and, what was of more importance, a will and an ability to succeed in the inevitable struggle before him. Soon after his graduation, he was admitted to practice in the courts of the states of New York and Vermont. In June, 1875, Mr. Barber opened a law office at Hinsdale, New Hampshire, during the same year being admitted to practice before the supreme court of the state. He thus continued until October, 1882, the result at that time being that he had secured the largest and most lucrative business enjoyed by any member of his profession in the county. A. J. Barber, his brother, had in the meantime been admitted to the bar and removed to the west, locating at Oshkosh, Wisconsin. The reports sent to Hinsdale were of so encouraging a nature that F. J. Barber decided to locate there himself and form a partnership with his brother. This was accordingly done, Barber Brothers opening their office on the 1st of January, 1884. F. J. Barber is the senior partner and has never regretted his decision in coming west and locating at Oshkosh. Both members have attended closely to business, have been reasonable in their legal charges, and courteous to their patrons, with the result that they now enjoy a very large clientage and lucrative practice.

The specialty of the firm, in recent years, is insurance law, although they still do a large probate and general business. Among the important suits with which they have been identified may be instanced *M. T. Battis, Administrator, vs. Provident Savings Life Assurance Society of*

New York, and J. A. Fay and Egan Co. vs. The Northwestern Car and Machine Company and others, in both of which they were successful.

Mr. Barber is interested in several financial enterprises which are well known throughout the state, such as the German National Bank of Oshkosh, of which he is director, and of which the firm are the attorneys; the Peoples Building and Loan Association, the largest institution of the kind in the city, of which he is director and secretary. With his brother, he is also largely interested in real estate and recently platted a new addition to the city of Oshkosh under the name of Barbers and Forward's Re Plat.

Mr. Barber is a consistent republican, having from the first taken an active part in local and state politics. At present he is chairman of the city republican committee and a believer in the financial and protective policy of the party. He has been a Mason for sixteen years, joining the order in Vermont, where he continued his membership for thirteen years after coming to Oshkosh.

On September 9, 1879, Mr. Barber was married to Ella K. Richmond, at Hinsdale, New Hampshire. They have six living children: Nina R., Catherine S., Emma M., Frances E., Elbert E. and Thomas F. One son, Richmond J., fourteen years of age, a bright and promising boy and a student of the normal school, accidentally and fatally shot himself in February, 1898.

COLES BASHFORD.

Coles Bashford was born in Putnam county, New York, in January, 1816; educated in the Wesleyan seminary, Lima, New York; was admitted to the bar in 1841; practiced in Wayne county, New York, and was district attorney from 1847 to 1850; resigned that office; came to Wisconsin, locating at Oshkosh, and entered upon the practice of the law.

He served in the state senate in 1853, 1854 and 1855. In the latter year was the republican candidate for governor, and resigned his seat in the senate. The official canvass of the votes for governor showed Mr. Bashford's defeat by a majority of 157 votes. The supreme court decided that he had received a majority of the votes cast and was chosen

governor; he accordingly entered upon the duties of the office and was governor from March 25, 1856, until January 4, 1858. After the close of his term he resumed the practice of his profession in Oshkosh and remained there until 1863, when he removed to Arizona. In 1864 he was elected a member of the territorial council and president of that body. He was attorney general for a time; delegate in Congress for one term and secretary of the territory, resigning the latter office in 1876. He died at Tucson, in April, 1878.

"In his Wisconsin practice he developed a more than average degree of ability, a good knowledge of law, highly respectable talents in its application, industry, probity and fair dealing, accompanied by dignity and courtesy in all his professional relations, and he was regarded as the peer of the lawyers of the several counties in which he practiced."

GABRIEL BOUCK.

Gabriel Bouck, lawyer, soldier, legislator, was born at Fulton, Schoharie county, New York, December 16, 1828; his father was William C. Bouck, who was governor of New York. Gabriel was graduated from Union college in 1847, and before leaving his native state had begun the study of the law. In 1848 he removed to Wisconsin and read law for a time in the office of Finch & Lynde in Milwaukee; was admitted to the bar in 1849; soon afterward removed to Oshkosh, where he has continued to reside and practice law, subject only to such interruptions as have resulted from his service in the army and in civil station.

In 1857 he was the democratic candidate for attorney general, and served in that office in 1858 and 1859; in 1860 and 1874 he served in the assembly, the latter year being speaker; in 1864 and again ten years later he was defeated as the democratic candidate for Congress, but was elected to that position in 1876 and 1878; he was an unsuccessful candidate for a third term.

In 1860 Mr. Bouck organized a company of volunteers and tendered its services to the governor; it became the color company of the second regiment, and under the command of Captain Bouck it participated in the early battles of the army of the Potomac. After the death of Colonel

Alban in the battle of Shiloh, Mr. Bouck was commissioned as colonel of the eighteenth Wisconsin; he reorganized that regiment and commanded it during the next two years.

Mr. Bouck's standing as a lawyer has long been firmly established as excellent. His practice has been large both in the trial courts and the supreme court. The important cases in the third and adjoining circuits with which he has not been connected are comparatively few.

SILAS BULLARD.

Mr. Bullard is a member of the Winnebago county bar, and has resided at Menasha since August, 1871. He was born at Greenfield, Franklin county, Massachusetts, December 9, 1841; was educated in the common schools, Powers' institute, at Bernardstown, Massachusetts, and Bridgeton academy, at Bridgeton, Maine. His expenses while obtaining his education were met by his earnings as a farm laborer. He studied law at Portland, Maine, and was admitted to the bar in 1867; came to Wisconsin in 1871; in 1873 and 1874 was interested in the publication of the Menasha Press.

Mr. Bullard has devoted a fair share of his time and ability to the public, having served as superintendent of the Menasha schools for six years; county supervisor, seven years; mayor in 1881-82; city attorney in 1882-83, and since 1893; district attorney from January 1, 1885, until January 1, 1889; member of assembly in 1895 and 1897. It is in the latter capacity that Mr. Bullard is best known, and as a legislator he has wielded a strong and conservative influence, particularly in 1897, when he was chairman of the judiciary committee.

Besides being engaged in the practice of the law, Mr. Bullard is vice president of the First National bank of Menasha, and secretary and treasurer of the Paul Paper company.

His practice is a general one and has been so diligently pursued as to give him a good standing in one of the strongest bars in Wisconsin. In politics Mr. Bullard is a republican.

CHESTER D. CLEVELAND.

Judge Cleveland is the son of Rufus Cleveland, a Connecticut farmer, and his wife Sally, nee Burnham. Born October 22, 1839, in the town

of Winchester, Connecticut, he inherits from a long line of American ancestors those worthy traits of character common to the descendants of the early Puritan settlers of New England. He was educated in the common and high schools of his native town and at Williston seminary, East Hampton, Massachusetts; began the study of law and entered Yale law school, and also prepared himself for active work at the bar in Hartford, Connecticut, under the direction of Elisha Johnson. He was admitted to practice at Litchfield, Connecticut, in September, 1866, and immediately thereafter came to Oshkosh, Wisconsin. He was actively engaged in practice until he became county judge of Winnebago county, in 1886.

Judge Cleveland was one of the first volunteers of the war of the rebellion. He enlisted in response to the call of President Lincoln for three months' men. With the 2d Connecticut volunteers he participated in the first battle of Bull Run. After being mustered out in August, 1861, he reenlisted in 19th Connecticut volunteers, and was mustered out in September, 1865. He served in the 6th corps, 1st division of the army of the Potomac, and participated in Sheridan's campaign in Shenandoah valley.

He is actively interested in masonry and has been master of Oshkosh Lodge No. 27, and of Centennial Lodge No. 205. October 20, 1869, he married Catherine Hughes. They have two children, Chester D., Jr., and Catherine C. He is a republican in politics.

JAMES H. DAVIDSON.

James H. Davidson, representative of the sixth congressional district, is a native of Colchester, Delaware county, N. Y., and was born on the 18th of June, 1858. His father, James, was a Scotch Highlander and when a boy (1824) came with his parents to Delaware county, N. Y. As a farmer and a lumberman he evinced those traits of perseverance, industry and unswerving integrity which have ever made that nationality invaluable in the founding of families and the establishment of communities. To the affairs of state, however, he gave no heed, being too earnest and occupied in caring for his own.

Mr. Davidson's wife, and the mother of our subject, was of Irish

descent, and from her may be traced those qualities of eloquence, of adaptability and of versatility which, with the other traits enumerated, constitute quite a sure guarantee of success for a lawyer or a politician. Mrs. Davidson's maiden name was Ann Johnson; her ancestors were sturdy soldiers and patriots of the revolutionary war. One of her cousins has the added distinction of being a member of that little historic band which captured Major Andre on the Tarrytown road.

Until the youth was eighteen years of age he attended the district schools of Colchester in winter, working on the farm or in the woods and saw mill in summer. For the succeeding three years he taught school in Green Lake county, Wisconsin, attended the Walton (N. Y.) academy, acted as a janitor for his tuition and did whatever he could as a plucky, poor young man, to secure a thorough education, which he realized thus early would prove to him his best working capital. It was while a student, teacher, janitor and man-of-all-work that his ambition to become a lawyer took firm root and he eagerly seized the opportunity of entering the office of Fancher & Sewell. In 1883 his desire was more completely gratified by commencing a regular course at the Albany law school, graduating as president of the class in 1884.

Soon thereafter Mr. Davidson was admitted to the bar at Binghamton, New York, but his season of teaching at Princeton, Wisconsin, in the fall of 1882, had opened his eyes to the possibilities of the west, and the country also agreed with him physically. Consequently, when admitted to practice, he decided to return to Wisconsin. Thither he removed in August, 1884, but as his worldly condition was yet by no means prosperous and the legal business which could be obtained was little, both in volume and value, he set about to utilize his agricultural knowledge by dealing in grain and produce for Chittenden & Morse, of Princeton. He was so successful in this line of business that he not only supported himself, but discharged a debt of honor contracted because of advances made by a friend who had assisted him financially at the Albany law school. In the course of his business travels and his dealings with the farming community throughout Green Lake and Marquette counties he also made numerous friends who were of value to him when he commenced the active practice of his profession in the fall

of 1887. He opened an office at Princeton, but within five years his legal business had so increased and his ambition had so grown with his success, that he removed to Oshkosh, which offered a much broader and more productive field.

Even as a resident of New York Mr. Davidson had taken an interest and a part in the politics of the state, having learned more than one good lesson under the instruction of the master, Roscoe Conkling. In 1888 he had been elected district attorney of Green Lake county, and in 1890 chairman of the republican county committee and of the congressional committee for the sixth Wisconsin district. He continued to serve in the last named position for six years, so that, when he removed to Oshkosh, on January 1, 1892, he was already one of the best known men in that section of the state.

Mr. Davidson at once took rank as a leader of the bar and an influential advocate of public works beneficial to the community. He became a member of the firm of Thompson, Harshaw & Davidson, which continued until September, 1895. After practicing alone for a short time, in 1896 he formed a partnership with R. W. Wilde, under the firm name of Davidson & Wilde. Mr. Davidson's practice has been general, one of the most interesting trials in which he has been engaged being the so-called Witchcraft case of Green Lake county, in which one William Roberts had threatened to kill a woman who was accused of practicing the black art. He assisted the district attorney of Green Lake county in the trial of Julius Zuelke for the murder of Edward Davids, a farmer of that county, which resulted in the conviction of the defendant and his sentence to the state prison for life.

While coming to the front as a successful and versatile trial lawyer, Mr. Davidson had made a splendid executive record as chairman of the sixth congressional district committee. His fruitful labors for the republican party were so highly appreciated that after his term of service had expired in August, 1896, he was put forth as the standard bearer himself. In November of that year he was elected to Congress by a majority of nearly eight thousand over his democratic opponent. The sixth district could not have selected a more faithful representative, or one who so thoroughly understands its wants and is more persistent in



Charles W. Peck

pushing them to a practical conclusion. He is now a member of the committees on railways and canals, and on patents. In August, 1898, Mr. Davidson was unanimously renominated as a candidate for Congress.

Since 1893 Mr. Davidson has been a member of the Masonic fraternity, and is also connected with the Knights of Pythias and the order of Elks. He was married October 8, 1889, to Niva T. Wilde, of Ripon. They have two sons—Kenneth W. and James F.

EARL P. FINCH.

Earl Pierce Finch, formerly of the Oshkosh bar, was born at Jay, Essex county, New York, October 27, 1828. His general education was completed at Union college. He studied law in the office of Edwin Wheeler, at Oshkosh, and came to the bar in 1859. For a considerable time he held subordinate positions in various law offices, without finding the opportunity to disclose his powers as an orator, which he cultivated by a thorough study of the great English, Irish and American models. At last his opportunity came, and he tried a case in such manner as to demonstrate that he was possessed of unusual powers as an advocate—a fact which was thenceforth recognized by abundant professional employment of a lucrative character. Like many of his professional brethren, he was liberal in his expenditures and did not accumulate a very large fortune, notwithstanding opportunity to do so.

In politics, he was a democrat and a strong partisan, but his sense of justice was always strong and overrode his party feeling. In 1883 he was a member and speaker of the assembly. For a number of years Mr. Finch was a partner of his former pupil, Charles Barber. His death occurred June 11, 1888.

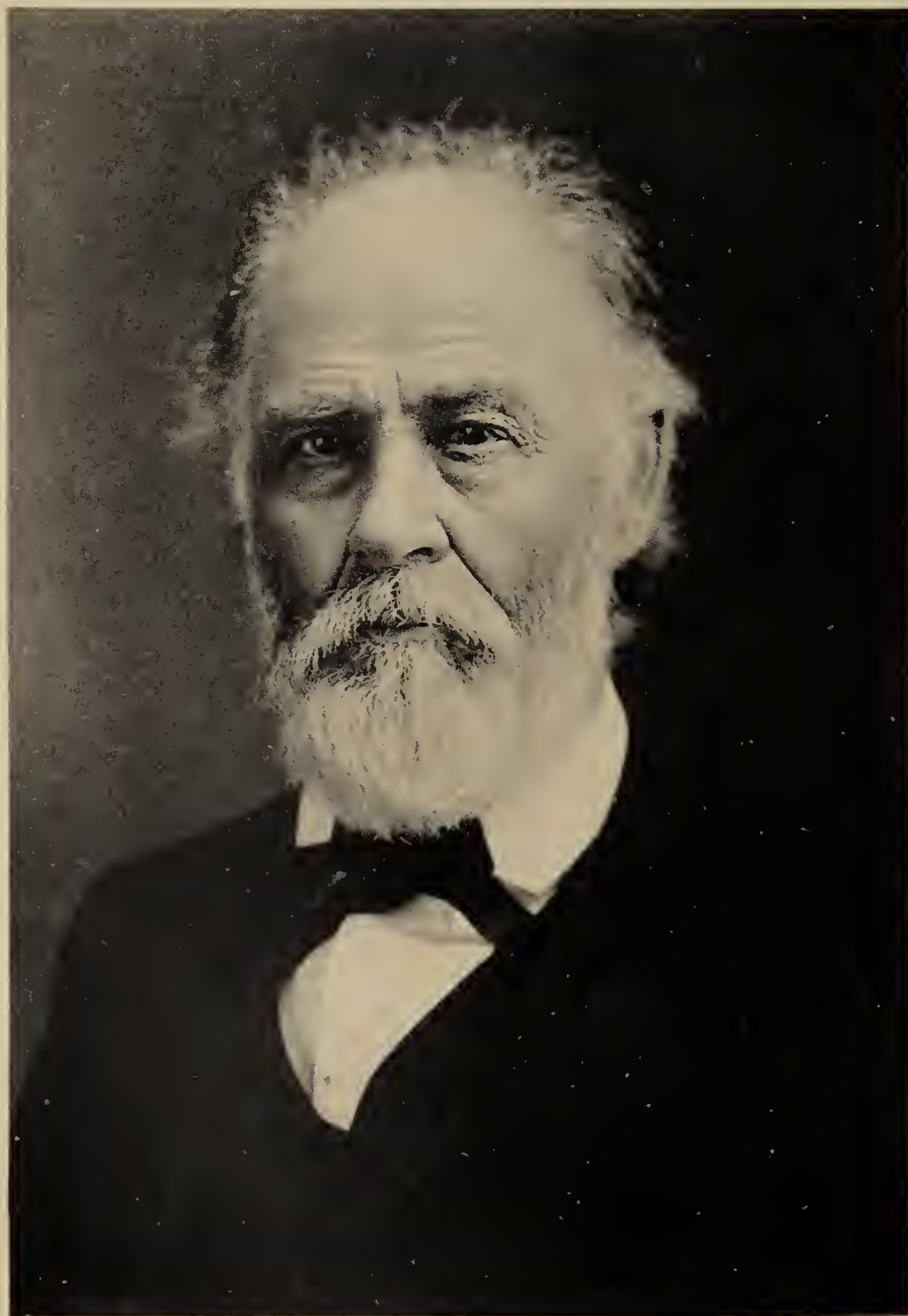
CHARLES W. FELKER.

Charles W. Felker was born in Penn Yan, Yates county, New York, on the 25th of November, 1834. His father was Andrew Felker, who married Maria Pixley, and lived during the early years of his manhood in Canandaigua, Ontario county, where he engaged successfully in farming. Meeting with misfortune as a result of the financial panic of 1837, he emigrated to Illinois in 1844 and settled in McHenry county.

Two years later he removed to Winnebago county, Wisconsin, where the son grew to manhood.

After receiving a common school education in the pioneer schools of Wisconsin, Charles W. Felker was sent back to New York state, where he completed his studies in the Brockport collegiate institute, and at Charlottsville, in Schoharie county. Returning to Wisconsin, he began the study of law and at the same time became associated with the Oshkosh Democrat, as editor of that paper. At the end of a year and a half he discontinued, for the time being, his editorial work, completed the study of law, and was admitted to the bar in the spring of 1858, and began the practice of his profession which has been continued up to the present time. He soon acquired local celebrity as a trial lawyer of superior ability and his practice extended to other portions of the state. In active practice during the pioneer era of Wisconsin jurisprudence he has been brought into more or less intimate association with nearly all the members of the bar in that state who have achieved unusual distinction. As a member of the bar of northern Wisconsin, he has been identified with a large proportion of the most important litigation in the courts of that part of the state, and has left the strong impress of his individuality upon courts and juries in all parts of Wisconsin. As a well equipped and well rounded common law lawyer, he has but few superiors in the state of Wisconsin, and both as a counselor and advocate he has taken a high rank among the lawyers of the state. Immediately after the war he formed a partnership with Charles A. Weisbrod, and this partnership continued until 1876, when Mr. Weisbrod died. From that date until 1892 he continued the practice alone, associating with himself at the date last mentioned Frank C. Stewart, and his sons, Frederick Felker and Carl Felker, under the firm name of Felker, Stewart & Felker. In 1894 Mr. Felker formed a Milwaukee connection and is now the senior member of the firm of Felker, Doe & Felker, to which he devotes a portion of his time and attention, although continuing his residence and law office in Oshkosh.

Mr. Felker has always had something of a fondness for journalism and from 1884 to 1888 was editor of the Oshkosh Times. As a newspaper writer he was terse and vigorous in the expression of his senti-



Yours Very Truly
George Gary

ments and no less forceful than in the presentation of his arguments as a lawyer.

In 1864 he enlisted in the forty-eighth regiment Wisconsin volunteer infantry and was elected captain of company A. He served until March, 1866, when he was mustered out of the military service and returned to the practice of law.

A democrat politically, he has never been either a politician or a partisan. Strikingly independent, he has not hesitated to criticize the acts of his party or political associates when such acts failed to commend themselves to his judgment or seemed to be against public policy. An original thinker and sound reasoner, his caustic criticisms of public men and measures have at times attracted widespread attention, and commended him to those who prefer principle to party and the public good to partisan advantage. He has a marked fondness for literature, and his law and private library is one of the largest in the state.

He was married in 1862 to Miss Sarah C. Douty and has a family of two sons and three daughters.

GEORGE GARY.

George Gary, second son of Eli B. and Frances O. Gary, was born at Potsdam, St. Lawrence county, New York, March 16, 1824. When two years old his eyes were attacked with a violent inflammatory disease, from which they have never recovered entirely, and which during his life has seriously impaired his sight. This affliction, during his boyhood and youth, rendered steady application to any occupation impossible. His early education was therefore only such as could be acquired by very irregular attendance at the common schools, and three terms at an academy in Keeseville. In the spring of 1845, when twenty-one years of age, acting upon the suggestion of physicians that a sea voyage might benefit his eyes, he shipped before the mast on board a Nantucket whaler bound around Cape Horn. After various adventures, which included a residence of seven months at Callao, in Peru, he returned home in the fall of 1847, with eyes and health somewhat improved. He was engaged in teaching school winters, and in various temporary employments until the spring of 1850, when (after a surgical

operation by which his eyes were further improved) he came to Wisconsin. In June, 1850, he landed in the then village of Oshkosh, without any trade, profession, capital or business experience. Two years before he had declined a proposition from Hon. George A. Simmons, of Keeseville, one of the leading lawyers of northern New York, to enter his office as a student, because it was believed the condition of his eyes would not permit the necessary application to books. After a short employment as clerk in a general store at Oshkosh, he took charge of the forwarding and commission house of W. A. Knapp & Co., from the fall of 1850 until the spring of 1854, when he became cashier and book-keeper for the steamboat line of Fitzgerald & Moore, which then included all steamers on Lake Winnebago and the Wolf and Fox rivers. He had participated as a whig stump-speaker in the presidential campaign of 1852. In the spring of 1853 he was an unwilling and unsuccessful candidate of the opposition to the democratic party for city clerk at the first election in the young city of Oshkosh. In the fall of 1853 he was nominated and elected a member of the assembly for the first district, comprising the city of Oshkosh and south half of Winnebago county. During the session of the legislature the ensuing winter, a breaking up of political parties, in consequence of the Kansas-Nebraska agitation in Congress, laid the foundation for the organization of the republican party in Wisconsin; and the next fall he was nominated without opposition and re-elected to the assembly of 1855. Of this body he was elected speaker pro tem. (which was then a permanent office for the session) and served as the presiding officer at various periods during the session. In the spring of 1855 he became connected with Hon. Horace Rublee in the publication of the State Journal, at Madison, but retired the following spring and engaged as clerk and book-keeper in the forwarding and transportation business at Green Bay. That business being ruined by a low stage of water and suspension of navigation on the lower Fox river, in the fall of the same year he returned to Oshkosh and engaged in the forwarding and commission business in partnership with M. E. Tremble, now of Suamico. In the fall of 1857 he was elected without opposition to fill a vacancy in the office of clerk of the circuit court of Winnebago county, caused

by the death of the clerk. To this office he was re-elected in 1858, and, having declined a re-nomination in 1860, retired from it on January 1, 1861. In 1859 he had purchased the Oshkosh Democrat which, under his control, was devoted specially to sustaining the national and conservative view of the then much agitated question of state rights. In December, 1860, he sold his paper to the proprietors of the Northwestern with which it was consolidated. During and preceding his term as clerk of the court, he had devoted considerable time to reading law, and on the 17th of April, 1861, was admitted to the bar at the age of thirty-seven. In 1862, on the passage of the internal revenue act, through the friendship and influence of Senator T. O. Howe, he was appointed assessor of internal revenue for the old fifth district of Wisconsin, comprising thirteen counties. Physical debility, following a severe attack of diphtheria, and the duties of editor of the Northwestern, of which he had become proprietor with B. F. Davis, induced him to resign the office of assessor a few days before the assassination of President Lincoln in the spring of 1865. In the summer of the same year he sold his interest in the Northwestern to C. G. Finney, and in company with G. W. Burnell, Esq. (now circuit judge), engaged exclusively in the practice of law. In the fall of 1866 he was elected state senator for Winnebago county. On the passage of the bankruptcy act in 1867, he was appointed register in bankruptcy, the acceptance of which required his resignation as senator after serving one session. This position he resigned in 1869 to take the office of county judge of Winnebago county, which he has held since January 1, 1870. Judge Gary is the author of Gary's Probate Law, a work published in 1879 and republished in 1892, which has been well received and spoken of by the bar in this state and elsewhere, and is the only standard work on the subject, as adapted to the Northwestern states. Judge Gary is an able writer and clear-headed thinker, and possesses the confidence of the people to a remarkable extent. He was married August 24, 1854, to Georgiana Enery, then a resident of Berlin, Wisconsin, but who was born near Frederickton, in the province of New Brunswick; they have two children living—Mary Frances and Paul; lost two children—

George H., died September, 1877, aged twenty-one years; Ann Eliza, May, 1862, at the age of five years.

EDSON J. GOODRICK, SR.

Edson J. Goodrick was born at Brasher Falls, in St. Lawrence county, N. Y., on the 17th of November, 1850. He is the son of Isaac and Elizabeth (Munsell) Goodrick. His father was an Englishman by birth and a tanner and currier by occupation. The elder Goodrick was born in Yorkshire, England, and came to this country when a boy and settled in the state of New York.

The father of Elizabeth Munsell was a New England farmer, living at Swanton, Vermont, where his daughter, Elizabeth, the mother of Edson J. Goodrick, was born. After her marriage to Isaac Goodrick she removed to New York.

The boy received an academic education in the public schools of New York and Wisconsin. He came to Waupaca, Wisconsin, with his parents in 1868. After his eighteenth year, and until he commenced practice, he taught school winters and in the summer followed the business of a mill filer, but read law during his spare time, borrowing his law books of M. B. Patchin, of New London. He was admitted to the bar at Waupaca on the 13th of December, 1875, commencing practice at Clintonville during the early portion of the succeeding year. At the fall election for 1876 he was elected district attorney for Waupaca county, and in the following spring removed to New London, where he remained until January, 1881, when he located at Shawano. At first he practiced alone, but from 1879 to 1882 was in partnership with J. W. Bishop, under the firm name of Goodrick & Bishop. In 1893 R. A. Goodrick, his eldest son, became associated with his father, but his promising career was cut short by death in August, 1896.

Mr. Goodrick moved from Shawano to Oshkosh in February, 1894, and has since resided in this thriving interior city, fully established in reputation as a substantial lawyer and public citizen. He has not only enjoyed a lucrative practice, but has been honored with marked public evidences of the esteem in which he is held. A stanch republican in politics, he has twice served as district attorney of Waupaca county—



Moses Hooper

in 1876 and 1878; was city attorney of New London during the latter year, and served as mayor of Shawano in 1888. In the spring of 1891 he was a non-partisan candidate for judge of the tenth circuit court, his opponents being the former incumbent, Judge Meyers, and Judge John Goodland, the present incumbent.

Mr. Goodrick is in the highest standing with both the Masonic order and the Knights of Pythias. He was master of Shawano Lodge, F. & A. M., in the year 1893, and is now a member of Centennial Lodge, of Oshkosh; of the New London Chapter of Royal Arch Masons, at New London, and of the Wolf River lodge, Knights of Pythias, Shawano. He is a charter member of the latter fraternity and was its first prelate.

Married to Clara Balch, at Iola, Waupaca county, on May 12, 1871, Mr. Goodrick has had three sons: Raleigh A. died, as stated, in 1896; Arthur B. was born at Northport, Waupaca county, September 3, 1874, graduated from the law school of the University of Wisconsin in 1895, and at once engaged in the practice of law with his father and elder brother, Raleigh, and is now a member of the firm of Goodrick & Goodrick. The firm is now composed of Edson J. Goodrick and Arthur B. Goodrick. The third son, Edson J., Jr., was born at New London June 21st, 1878, and died at Oshkosh April 10th, 1895.

MOSES HOOPER.

If there is one trait more than another which is characteristic of the sons of the Pine Tree state it is their love for outdoor life. They love the forests, the lakes, the rivers, and the mountains. Through sympathy with, they draw inspiration from their simplicity and freshness, which leave their impress upon the souls of the children of Maine, however far they may wander from their native state. Therefore to say that Moses Hooper was born in the state of Maine is to indicate his fresh, hearty, unpretentious character. Ask him to explain the secret of his success, and he will tell you that so far as he has succeeded he attributes his professional standing to the fact that he has given his exclusive attention to the business of the law and kept his system in good working order by gratifying his taste for out-of-door life; that he delights to be about, on and in the water, and that fishing is his main

diversion. His boyhood, as he observes, was fairly well apportioned between "hard work on the farm and going fishing," and it may not be amiss to add that his manhood has also been wisely divided between hard professional labors and boyhood recreations.

The son of Mary Foss and Moses Hooper, he was born upon his father's farm in Lyman, York county, Maine, January 21, 1835. As he looks to the future, not to the past, Mr. Hooper knows very little about his remote ancestry. He says he is more anxious about what kind of an ancestor he may prove to have been, than about who or what his ancestors were. He passed successively through the district schools of his native town, the Biddeford high school and the Yarmouth academy, before he ventured beyond the borders of his state to Amherst college. He finished the freshman year, class of 1857, but returned to Maine and entered the sophomore class (1857) of Bowdoin college. In the meantime, however, he had studied law in the office of John M. Goodwin, of Biddeford, and, in 1856, had been admitted to the bar of York county, Maine. Then he had taken his partial collegiate course, and afterward attended the Yale law school.

Like many other men of Maine, Mr. Hooper gravitated to the lumber and lake regions of interior Wisconsin, commencing the practice of his profession at Neenah, in July, 1857. An experience of a few years, however, convinced him that it was in every way advantageous to have his home at the county seat, whither so much of his business took him. In July, 1863, he therefore removed to Oshkosh, where he has since resided, having since 1880 given his attention almost exclusively to riparian and water power cases. He thinks his work has been more useful in that line than it would have been in any other within his reach.

Mr. Hooper practiced alone during the first year of his residence in Wisconsin. In 1858-59 he associated himself with George B. Edmonds; 1864-65 with Edwin A. Aldrich; 1866-67 with Henry Bailey; 1876-79 with Henry L. Buxton; 1881-82 with Sabine F. Berry; 1887-95 with Ben Hooper, and 1895 to date with Ben and Ed. M. Hooper, two of his sons.

Married in May, 1858, to Miss Caroline Bailey, of Parsonsfield,

Maine, he has a family of five children—Albert B., Ben., Mary C., Ed. M. and Oren Hooper.

Mr. Hooper is independent in his opinions, whether political or religious. His inclinations are toward the republican party, while occasionally tending toward the mugwump order, and on the tariff issue he is in sympathy with the democracy. He defines his religious affiliations to be those of a Unitarian Congregationalist.

H. B. HARSHAW.

H. B. Harshaw came to Oshkosh, Wisconsin, in 1851. He was born June 13, 1842, in Argyle, Washington county, New York. He was admitted to practice in 1875.

He enlisted in the army in April, 1861, was severely wounded and lost an arm. He was mustered out January 28, 1864. He is a republican, and has held the offices of clerk of the circuit court, postmaster of Oshkosh and state treasurer for two terms.

EMMETT R. HICKS.

Emmett Reuben Hicks was born in Waukau, Winnebago county, Wisconsin, March 7, 1854. He was reared in the village of Omro, Wisconsin, and laid the foundation of his education in the local, common and high schools. He entered the University of Wisconsin in 1873 and was graduated in 1876, taking the degree of B. S.; taught high school at Waupun for three years and then became a student in the law school of the University of Wisconsin, graduating with the degree of LL. B. in 1880. He also took a course of special work at the same institution and received the degree of master of arts. In July, 1880, he located in Oshkosh and entered upon the practice of his profession, and has continued in practice there until the present time. In 1888 Mr. Hicks became associated with M. C. Phillips; two years later J. C. Kleist joined the firm. In 1891 Mr. Kleist withdrew and moved to Milwaukee.

Politically Mr. Hicks has always been an ardent republican. He has always taken an active interest in political campaigns and as a speaker has spread knowledge of the principles of republicanism throughout his own and adjoining states. In August, 1898, he was

nominated by the republican convention for the office of attorney general of Wisconsin, a position which he will fill with ability.

Mr. Hicks was married September 15, 1880, to Cynthia M. Reed. They are the parents of three children—Bert R., Luther R. and William E. Mr. Hicks is a member of the Methodist church, domestic in his tastes and habits, and has a liking for pastoral pursuits. He owns a farm near Oshkosh upon which he indulges in the raising of blooded Jersey cattle.

F. W. HOUGHTON.

Mr. Houghton is a native of Monroe county, New York. He was born in 1849. He came to Wisconsin in 1867, and in 1870 began a course of study at Lawrence university, Appleton, Wisconsin. He was graduated in 1876 with the first honors of his class. From 1876 to 1880 he acted as principal of the high school at Wausau. While thus employed he read law in the office of Silverthorn & Hurley, and during the summer of 1879 in the office of Carpenter & Smiths, of Milwaukee, and was admitted to the bar in that year. Since May, 1880, he has been successfully engaged in practice at Oshkosh.

JAMES C. KERWIN.

James C. Kerwin was born in the town of Menasha, Winnebago county, Wisconsin, May 4, 1850. His father, Michael Kerwin, a farmer by occupation, and his mother, whose name previous to her marriage was Mary Buckley, were both of Irish descent. Reared on a farm, the boyhood days of J. C. Kerwin were uneventful. He attended the common school of the neighborhood and later the Menasha high school, from which he was graduated. Choosing the law as a profession, he prepared himself for its practice by a course of study in the law school of the university of Wisconsin and was graduated in 1875. Returning to his native county, he opened an office in Neenah and was soon immersed in professional work. Mr. Kerwin brought to the practice of his profession a thorough legal education, natural endowments of a superior order and a peculiar aptitude for the niceties of the law. He applied himself with rare industry to his duties and made such an excellent impression that his practice grew with great rapidity, and his



J. C. Merwin

reputation as a lawyer of ability and thoroughness correspondingly increased.

The business of Mr. Kerwin has not been confined to any one particular branch of the law. His name as attorney appears in some of the most important cases of the Fox river valley and northern Wisconsin, and in the outcome of his cases he has enjoyed a marked success. Not only has Mr. Kerwin been connected with the great and important litigation growing out of the water power of the Fox river valley, with all its numerous intricate questions of law and fact, involving large pecuniary interests, and opposed by lawyers of high standing, but he has successfully handled many lawsuits involving important questions of a legal character and requiring a wide knowledge of equity and commercial law. He is looked upon by the business men of his part of the state as a safe and conscientious counselor; his integrity at the bar in the community stands unquestioned. Fearless in the conduct of a lawsuit, he is always courteous to his opponents, but enjoys as well the high respect and good will of his associates. Although he has constantly resided in Neenah and has always been engaged in practice there, about 1889 he opened up an office in Milwaukee and still is engaged in practice in that city, where he has been connected with several law firms. He has become financially interested from time to time in real estate transactions and in manufacturing establishments. A republican in politics, he has never sought political office, and, with the exception of the position of city attorney, which he filled for ten or twelve years, he has constantly declined to accept the nomination for any elective position.

Mr. Kerwin was married in 1877 to Helen Lawson, daughter of the late P. V. Lawson, one of the most active and progressive of the leading citizens of Menasha. Four daughters, Jessie, Alice, Grace and Doris, have blessed this marriage.

MILTON CUSHING PHILLIPS.

The subject of this sketch, Milton Cushing Phillips, of Oshkosh, Wisconsin, not yet in the prime of his manhood, is one of the foremost lawyers in the great state of Wisconsin. He was born at Royalton,

Waupaca county, Wisconsin, July 25th, 1856, and was appointed in April, 1897, by President McKinley as United States attorney for the eastern district of Wisconsin for a term of four years. His appointment was due to singular unanimity of request from representative men throughout the state, largely in recognition of his influence and ability in the service of the republican party.

He traces his descent from both Welsh and Dutch ancestors. His father, Bradford Phillips, had as his progenitors the intelligent, sturdy people of a branch of the ancient Britons, a colony of which settled at an early day in the vicinity of Turner, Maine.

The father emigrated to Wisconsin in 1849, and located on the Little Wolf river, in the center of the great lumbering industries of the state. His wife before marriage was Marion Eliza Hulse, a native of Pennsylvania and the second daughter of Lucian Hulse. She was of Dutch ancestry, and in childhood her parents removed to Appleton, Wisconsin. She received a good education, which, united to a naturally strong and intelligent mind, marked a woman of moral and spiritual character.

Bradford Phillips was not only an energetic business man, but a discriminating reader and an orator of natural ability. When the civil war was declared he promptly left his business and family, which consisted of our subject and a younger brother, Clarence R., and enlisted in company A, eighth regiment, Wisconsin volunteer infantry. This was the regiment and company that carried the famous war eagle "Old Abe" throughout its various marches and engagements. He was an orderly sergeant of the company and at the second battle of Corinth, on October 19th, 1862, died from exposure and sunstroke.

Mrs. Phillips, left with two children and resources that for lack of care and skill were soon wasted, maintained herself and family through the years of desolation and sorrow that followed, and is still the delight and comfort of her two sons. The untimely death seemed to close down for a time the horizon of a once most highly favored home.

Young manhood soon asserted itself, however, and after a few years of suffering and hardship the little home, like so many others, soon had the cheerful and tireless support of both boys. With the aid of the small pension, after attending the common school in the little village,



W. L. Phillips

Milton C. Phillips spent four years at Oberlin college in the scientific department. He left before completing the course, and became the first railway agent in his native town. On reaching his majority he began business in operating a cheese factory. He disposed of that enterprise and for two years manufactured broom handles. Then began the study of law in the office of Brown & Bump, of Waupaca, Wisconsin. Upon his admission to the bar he began practice at Clintonville, in his native county, where he remained five years.

His business training and experience proved of great service to him. By being prompt, courageous and a fighter he was soon found taking part in much of the contested litigation in the county. Having reached the limit of his opportunities, he removed to Oshkosh in 1884, prompted by a desire for a larger field. Soon after the firm of Gary, Phillips & Forward was formed. This continued for a year, and he formed a partnership with E. R. Hicks, which continued until 1889, when the latter left the profession to engage in business.

For two years John Kleist was associated with him. In 1895 Mr. Hicks again became a partner and the firm is at present made up of the two men. Their business is largely corporation and insurance law.

As an instance of this, soon after the city of Phillips was destroyed by fire Mr. Phillips was retained to recover the insurance from about forty companies that declined payment.

The suits involved many thousands of dollars, and the firm was so uniformly successful that it was retained by a number of insurance companies.

In politics Mr. Phillips has been a republican, being chosen in 1894 and 1896 as chairman of the county committee. During the four years when he was at the head of its affairs he so perfected the organization as to lift the county from the doubtful political column into that which was safely republican. He is a Mason, a member of the orders of Odd Fellows and Knights of Pythias and a leading member of the Presbyterian church.

Before marriage, in 1879, Mrs. Phillips was Marcia H. Eastman, daughter of Rev. M. L. Eastman, who as an evangelist and pastor of a Congregational church in northern New York attained much prom-

inence. In 1870, with a family of eight children, he removed to the west. It is remarkable that all the children were college graduates. Two became lawyers, one a physician and one a minister. The two older girls were teachers in the south after the war and were afterwards connected with reform school work in St. Louis. Rev. S. E. Eastman, the eldest son, and his wife (nee Annie Ford) are joint pastors of Rev. Lyman Beecher's old church at Elmira, New York. It will be admitted that this is a record of which any family might be proud.

Mr. and Mrs. Phillips have five children—Bradford, Ermin J., Philip, Lewis and Miriam Helen.

Mrs. Phillips is an ideal mother and wife, and the home over which she presides is the charm of all who enter it. Mr. Phillips is a great student and is broadening his education with special study as faithfully as the most systematic use of the time of a busy life will admit. We know well the destiny of such a man as this in this land of opportunities.

JOHN J. WOOD, JR.

A characteristic of the typical New Englander is his firmness, his steadfastness, his dislike of change, and his ability to fashion his career from his surrounding circumstances and the forces at hand. And this characteristic is seldom weakened, even when the eastern stock is transplanted to the west, before the third or fourth generation is reached.

This fact is well illustrated in the life of John J. Wood, Jr., of Berlin, who comes of sturdy Vermont ancestry and a line of revolutionary heroes. One of his ancestors joined the army of the revolution when he was fifteen years of age—a Green Mountain boy worthy of being kept in proud remembrance.

Jonathan Wood, the father of John J., was born in 1792, at Hartford, Washington county, N. Y., and was a millwright by trade. His wife, Lucy R. Murrell, was a native of Vermont, being born in Windsor county, in 1794. When Ohio was the frontier country of the great west they emigrated thither, where the father took his place among the foremost of the practical pioneers of that region. He located at Hamilton and here, in 1824, was born his son, John Jay Wood. The son followed in the footsteps of his father and became a skilled millwright, and sub-

sequently took no small share in the industrial development of the young state of Wisconsin. In 1851, when Mr. Wood came to Wisconsin, it had enjoyed the honors of statehood three years, but its standing, industrially and commercially, was not yet assured, and in the building of its early flouring mills and other pioneer work in the interior of the state he is entitled to his full share of credit for laying the foundation of its present prosperity.

Soon after coming to Wisconsin, Mr. Wood located at Neshkoro, Marquette county. Here his son, John J. Wood, Jr., was born on the 13th of February, 1859, and here also, in 1865, his wife, Joanna Sanders, passed away. She was a native of New York state, born in 1832. John J. Wood, Sr., still lives at Berlin, a retired and respected business man and pioneer citizen; John J. Wood, Jr., an active, successful lawyer and man of affairs.

The latter was educated in the common schools of Marquette and Waushara counties and made such progress that during his seventeenth and his eighteenth years he taught for several terms—a portion of the time in a ward school of Fond du Lac. He had early chosen the legal profession, however, as his life work, and he entered the law office of R. L. D. Potter, Wautoma, and later was with John C. Truesdell, of Berlin, and George P. Knowles, of Fond du Lac (now of Superior).

Soon after attaining his majority (September 21st, 1880) Mr. Wood was admitted to the bar, at Wautoma, and in January, 1882, removed to Berlin for the practice of his profession. Here he has since resided and by his ability, faithfulness and industry has made his mark professionally, politically and financially. He has been a prominent figure in much of the important litigation of recent years in Green Lake county and in other parts of the state, being a keen, successful trial lawyer.

That he has also been a leader in the politics and public affairs in that part of the state is evident from the facts that he has served as mayor of Berlin for four years, city attorney for seven years, and also as school commissioner and supervisor of Green Lake county. In 1896 he was selected as a delegate to the national democratic convention.

Mr. Wood has found time in the midst of his pressing professional

and public duties to become identified with various enterprises of a financial and utilitarian character. He was an organizer and is now vice president of the Waushara telephone company, and is a stockholder in the First national bank of Berlin. He is also a prominent member of the A. F. & A. M., having been master of the local lodge for eight years.

He was married on February 15th, 1887, to Hattie E. Ottoway, and they have two children living—Ella Lucille and Anna Belle.

BENJAMIN J. SWEET.

Benjamin J. Sweet was a native of New York. He was born in 1832. Nothing is known of the history of his life before his advent to Wisconsin, but a slight casual acquaintance furnished ample evidence that his early education had not been neglected, and that in some way he had become thoroughly grounded in the principles of common law.

At an early age he settled as a lawyer at Manitowoc, where he remained but a short time, and soon after permanently settled at Chilton, in Calumet county, where he continued to reside in the successful practice of his profession until the war of the rebellion. In 1860 he was elected to the senate from the 19th district, consisting of the counties of Calumet and Manitowoc. He served one session and resigned to enter the army. In 1861 he was appointed colonel of the twenty-first regiment Wisconsin infantry. At the battle of Chaplin Hills he was severely wounded and rendered unfit for further active service, and, upon his recovery, was placed in command of Camp Douglas, near Chicago. He retired from the service with the brevet rank of brigadier general, and was subsequently made pension agent at Chicago. He removed to Washington to fill the office of deputy supervisor of internal revenue, and died there on the first of January, 1874.

CHARLES A. WEISBROD.

Charles A. Weisbrod was born in Prussia in 1822; graduated from the Berlin university. After being engaged in civil engineering for several years he read law and was admitted to its practice. He settled at Oshkosh in 1849, and resided there until his death, May 21, 1876.

He possessed the confidence of the people of his locality and was called to fill positions of honor and trust; was a member of the board of normal school regents at the time of his death.

BEN HOOPER.

Benjamin Foss Hooper, son of Moses and Caroline (Bailey) Hooper, was born at Neenah, Wisconsin, January, 13, 1861. He attended the common schools of Oshkosh and, having decided to enter the legal profession, he studied law in his father's office and in the Columbia law school of New York city. July 18, 1887, he was admitted to the bar in Oshkosh and the following September joined his father in the organization of the firm of Hooper & Hooper. In 1895 Ed M. Hooper, a younger brother, was admitted to the copartnership, but the firm name remained unchanged. The name of Hooper & Hooper is identified with many of the most important cases of northern Wisconsin, many of which grew out of disputes over the riparian rights and use of the water power of the Fox, Oconto, Sheboygan, Wisconsin and Wolf rivers. The records of the state and United States courts show that to a large extent the attention of the firm has been occupied in this class of causes.

Politically, Mr. Hooper is a democrat. He was married May 30, 1888, to Miss Jessie Jack, of New Hampton, Iowa. They have one child, a daughter, Lorna.

CHAPTER XIX.

THE FOURTH CIRCUIT, ITS JUDGES AND LAWYERS.

The constitution placed the counties of Brown, Manitowoc, Sheboygan, Fond du Lac, Winnebago and Calumet in the fourth circuit. The first judge was Alex. W. Stow, who was also the first chief justice of the state supreme court. The subsequent judges were William R. Gorsline, David Taylor, Campbell McLean and N. S. Gilson. In January, 1899, the sixth person to sit on the bench of that circuit will assume his judicial duties—Michael Kirwan. Up to the time of writing this the fourth circuit has had a smaller number of judges than either of the five circuits formed by the constitution except the fifth.

Sketches of the lives of Judges Stow, Howe and Taylor are given in other chapters; those of the lives of the other judges follow. As now constituted the circuit comprises the counties of Fond du Lac, Sheboygan, Manitowoc and Kewaunee.

THE BENCH.

WILLIAM R. GORSLINE.

Mr. Gorsline was judge of the fourth circuit from 1855 until July 1, 1858, succeeding Timothy O. Howe. He was born in Manlius, Onondaga county, New York, June 28, 1823. In early childhood he was left an orphan, but received, through the care of an uncle, an academic education in his native town; his study of the law was also begun there. In 1844 he removed to Milwaukee and completed his legal studies in the office of Francis Randall; the following year he opened a law office in Sheboygan, and during that year and 1846 was register of deeds of Sheboygan county; in 1850 and 1851 he was county judge. April 3, 1855, he was elected to the circuit bench to fill the unexpired term of Judge Howe, and in 1856 was re-elected for a full term, but served only until July, 1858, when he resigned for the purpose of going to Colorado.



Harmon S. Gibson

Reaching Colorado, he began the practice of the law and continued therein until 1860, when President Buchanan appointed him one of the district judges, a position to which President Johnson reappointed him. During 1867, 1868 and 1869 he was a justice of the supreme court of Colorado territory; the opinions filed by him are contained in the first volume Colorado reports. On the admission of that territory into the Union he resumed the practice of his profession in Denver, where he died March 3, 1879. Judge Gorsline was succeeded by David Taylor, whose term of service covered the years 1858-1869. (See sketch of Judge Taylor's life in volume I.) The latter's successor was

CAMPBELL McLEAN.

Mr. McLean was a native of Washington county, New York. In his childhood his family removed to Clinton county, New York, where he received an academic education. His legal education was obtained in the office of George A. Simmons, at Keeseville, in his native state, where he was admitted to the bar. In 1856 he came to Wisconsin, and in October of that year located at Fond du Lac. In 1862 he was a member of the assembly. In April, 1868, he was elected judge of the fourth circuit, and six years later was re-elected, serving in that office until January 1, 1881. In the spring of 1882 he removed to Plattsburgh, Clinton county, New York, where he now resides.

NORMAN S. GILSON.

Judge Norman S. Gilson, who in 1898 declined to be a candidate for re-election to the judgeship of the fourth judicial circuit for the fourth term, is one of the well-known jurists in the state. He was born on the western reserve in Ohio in 1839. He taught school in his native state in 1859-60, and early in 1861 entered the law office of his uncle, the late Leander F. Frisby, of West Bend. The breaking out of the civil war interrupted his law studies, and in September, 1861, he enlisted as a private in company D, twelfth Wisconsin infantry, and was soon promoted to sergeant-major of the regiment; the twelfth at that time doing service in Missouri and Kansas. The regiment was soon after transferred to the army of the Tennessee, and for a time he was on de-

tached duty with the staff of General Robert B. Mitchell. He remained with the army until the capture of Jackson, Mississippi, in July, 1863. In the following August he was commissioned first lieutenant of company H, fifty-eighth regiment, United States colored infantry; he was rapidly promoted to the position of adjutant, and finally became lieutenant-colonel of the regiment. He took part in the siege of Vicksburg and in the battles of Jackson and Perryville and several other prominent engagements.

Colonel Gilson served on the staff of Major General Davidson, and was assigned to duty as judge advocate of the Natchez district. In 1865-66 he was judge advocate of the department of the Mississippi, serving at the time on the staffs of Major General Osterhaus and Major General Thomas J. Wood. Although his regiment was mustered out of service in 1865, Colonel Gilson was retained on duty for more than a year afterwards by the direction of the secretary of war on account of being judge advocate of the court-martial convened for the trial of Captain Speed for criminal carelessness in overloading the steamer *Sultana*, whereby the lives of 1,100 paroled prisoners of war were lost. Colonel Gilson had the honor of thus appearing for the government in the most important military trial held on the Mississippi during the war. He was mustered out of service June 12, 1866, at Vicksburg, and was brevetted colonel of United States volunteers by President Johnson for the efficiency and faithfulness with which he discharged all the duties devolved upon him, thus retiring from the army at the end of nearly five years of constant service with a record creditable alike to his ability, his valor and his patriotism.

Colonel Gilson returned to Wisconsin to re-engage in his law studies, which included a full course at the Albany school, from which he was graduated with the class of 1867. At the same time he was admitted to the supreme court of New York. He then opened an office in Fond du Lac, and at once was recognized as a conscientious and well-read lawyer, which soon brought him popularity and a large practice. In 1874 he was elected city attorney of Fond du Lac, and after one year of service was elected district attorney. Occupying a conspicuous position at the bar, he was an easy candidate for the judgeship of the

fourth judicial circuit, and received the democratic nomination in March, 1880, and was elected by over 8,000 majority. He was re-elected without opposition in 1886 and again in 1892. From 1881 to the close of 1898 there have been six thousand five hundred cases on the calendars of the four counties of the circuit. Among the notable murder cases tried in Manitowoc county were Anna Straka for the death of Miss Hayward; George Ratsack for killing his wife with an ax, and Louisa Schroeder for poisoning her husband; in Sheboygan county that of William Gaedeke for shooting his brother; Peter Deegen for shooting a tenant on his farm in Ozaukee county. William Morris, charged with shooting a young lady in Manitowoc county, was one of widespread interest, and was tried by counsel of great zeal and ability; the evidence was all circumstantial, and Morris was acquitted. In Fond du Lac county the following persons were tried for murder: John P. Hoffman, George Seayer, and Herman Sass, a hired man, for killing his employer; besides many other cases of homicide.

In 1881 Robert A. Baker, a banker of Fond du Lac county, failed. He was charged with receiving deposits knowing that he was insolvent. General Bragg applied for a writ of habeas corpus on the ground that the statute was invalid. Judge Gilson refused to discharge Baker, and on an appeal to the supreme court the act was held valid, which was the first decision on that point in the state.

Judge Gilson has been present at every term of court in each county since his first election, except one term at Kewaunee, held by Judge Parish while Judge Gilson was holding a term in Taylor county, and one term in Sheboygan county when Judge Pulling presided, Judge Gilson being absent to attend the funeral of a relative.

In 1887 John Jacob Hoffmann, pastor of St. Peter's Lutheran Unity church of Sheboygan, with his wife and children, were forcibly ejected from the parsonage by members of the church. Innumerable suits of every nature followed. For several terms Hoffmann's troubles occupied a large share of the time. He hired and discharged one lawyer after another until he was without an attorney and compelled to manage his own affairs. He was present every morning at the opening of court with some sort of a motion, and if permitted would talk indefinitely.

He filed charges or brought actions against everyone who came within the range of the church difficulties. In his opinion one or two of the attorneys ought to have been disbarred; and, because Judge Gilson did not agree with him, he brought action against the judge for damages, which was dismissed by Judge Sloan, after a trial. The bell of the church was cast out of a cannon contributed by Count Von Moltke. Since the church war subsided the church has burned and the bell has gone to the junk shop.

During Judge Gilson's term a great number of civil suits have been tried, many of them involving large and important interests, and requiring decisions in every branch of the law.

On the first Monday of January, 1899, Judge Gilson will retire from the circuit bench after eighteen years of continuous service.

MICHAEL KIRWAN.

Mr. Kirwan was born in Ireland in 1847, but has resided in Wisconsin since 1849, and in Manitowoc county since 1855. He was brought up on a farm, educated in the public schools and taught therein for several years. He served as county superintendent of schools for Manitowoc county from 1870 to 1875, and for the third term was nominated by both political parties and elected without opposition. In 1874 he became a member of the state board of examiners for teachers' certificates and in 1876 was elected secretary of the state teachers' association. He decided to enter the practice of law and was admitted to the bar in 1878. In that year he was nominated by both political parties for the office of county judge of Manitowoc county, was elected without opposition, and held that office until 1882. From 1890 to 1896 he was a member of the board of regents of normal schools of Wisconsin. He was elected in April, 1898, as a non-partisan candidate to the office of circuit judge of the fourth judicial circuit of Wisconsin, receiving 13,228 votes against 8,280 votes for A. C. Prescott, also a non-partisan candidate.

THE BAR.

JAMES S. ANDERSON.

James S. Anderson, of Manitowoc, is a native of Scotland. He was born on Christmas day, 1842, near the town of Glasgow, where his

father, John Anderson, previously an officer in the British army, was at that time foreman of a calico printing establishment. The mother of the subject of this sketch, who was formerly Harriet Sibree, was a daughter of Charles Sibree, who had settled in New York as far back as 1841. John Anderson, with his family, left Scotland in 1852, and, coming to the United States, located in Manitowoc county, Wis., quite near the town of Manitowoc, into which he afterwards moved.

Having passed through the usual curriculum of studies at the high school of Manitowoc, James S. Anderson enlisted April 20, 1861, when eighteen years of age, in company A, of the 5th Wisconsin infantry. He served three years and five months in the army, during which time he was appointed corporal and afterwards sergeant. Resuming a civilian life, he resolved to become a lawyer, and as a preliminary thereto, entered Lawrence university at Appleton, whence he graduated with full honors in 1870. Having read law with Judge Myers, of Appleton, and J. D. Markham, of Manitowoc, he took his examination before Judge McLean in June, 1871, and was admitted to the bar.

It was not, however, until a year later that his active professional work was commenced, and since June of 1872 he has remained in Manitowoc, practicing alone with the exception of a short period, in which he was associated with Henry Sibree. In the numerous cases he has handled during that time many have held more than mere passing importance. Among these latter may be mentioned *Riemer vs. Jahnke*, *Horn vs. Gary* and *Watts vs. Owens*, the last claiming particular importance, as it fixed the heritable status of children born of void marriages. Of noticeable late cases which have benefited by his legal knowledge and powers were *Hubbard vs. Shove* and others, and *Strong & Carrol vs. Imig* and others; the decision in the last named was the first case to be written by Justice Marshall. Mr. Anderson has been successful in his trials of cases and his services have naturally been in demand.

That he bore a high reputation in his community was shown in his selection as city attorney for seven years, while in 1889 he was given the still higher honor of being elected a member of the state legislature. Having served for a time with ability as police judge and also as court commissioner, he was appointed by Governor Upham in August, 1895,

to be county judge, and was elected in the spring of 1897 without opposition to the same responsible and honorable office.

Mr. Anderson is an old time Mason and is also a member of the Grand Army Post, Horace M. Walker, No. 18, which he organized. At the present time he is judge advocate of the Grand Army for the state of Wisconsin.

An active part has always been taken by him in the business interests of his town. From 1883 to 1886 he added to his other heavy duties the position of editor of the Lake Shore Times, a weekly paper published in Manitowoc.

Mr. Anderson was married July 17, 1873, to Eva M. Mills, daughter of the late Judge Joseph T. Mills, of Grant county, who was at that time residing at Lancaster. Mr. and Mrs. Anderson have two children, Jean H., who is assistant principal of the high school at Menasha, and Joseph Mills Anderson, a student at Ripon college.

DAVID BABCOCK.

The subject of this sketch was born in Utica, New York, on the 4th of January, 1835. His parents, Jesse and Maria Babcock, moved at an early day from Oneida county to Jefferson county, New York. His father, who by occupation was a manufacturer and a miller, was a sturdy Henry Clay whig and afterward a strong abolitionist, being a friend and a follower of James G. Birney and Gerrit Smith. Later he was a republican, respected throughout the county (Jefferson) for his integrity, earnestness and ability.

David Babcock received a common school education, and after studying law in the office of J. M. Gillett, of Fond du Lac, in 1864, was admitted to the bar. He at once commenced practice and during the period of his professional service no interest which has been intrusted to his care has ever been neglected. This long and enviable record has been made also amid the residents of Fond du Lac, with whom he cast his lot as a young lawyer, and with whom he is now practicing as an honored veteran of the profession. With the exception of a period of ten years, when he was a partner with George P. Knowles, he has practiced alone.

Mr. Babcock has never, to any extent, been involved in practical politics. As a young man he twice served as clerk of the circuit court, at Fond du Lac, and upon the breaking out of the civil war was among the first to respond to the call for troops, going to the front in April, 1861, as a private in company I, first regiment Wisconsin infantry. At the expiration of his term of enlistment he returned to his home, and in September, 1864, was married to Miss Sara L. Strong, of Fond du Lac. They have one child, now the wife of Doctor Wiley, of that city.

SAMUEL W. BEALL.

Samuel Wotton Beall was born in Montgomery, Prince George county, Maryland, in 1807; was educated at Union college, Schenectady, New York, and studied law at Litchfield, Connecticut. In 1827 he was appointed receiver for the sale of the public lands in a district covering what was then the territory of Michigan, his office being at Green Bay. He was admitted to the bar there in 1829. On the expiration of his term of office as receiver he returned to the east, but came to Wisconsin again in 1840, locating at Green Bay. In or about 1841 he settled for a time at Lychora, Marquette county, and in 1846 was a delegate to the first constitutional convention, and served as chairman of the committee on the schedule for the organization of the state government, and took a prominent part in the proceedings. Before the delegates were elected to the second convention Mr. Beall had become a resident of Laycheedah, Fond du Lac county, and was chosen a delegate thereto. In 1850-51 he was lieutenant governor; in 1859 he removed to Denver, Colorado, returning to Wisconsin in 1861. The following year he was appointed lieutenant colonel of the eighteenth Wisconsin, and participated in all the engagements of that regiment from Shiloh to the siege of Vicksburg. He was severely wounded at Shiloh, and soon after the surrender of Vicksburg was transferred to the invalid corps. He located at Helena, Montana, soon after the war closed, and was shot and killed in an altercation there with George M. Pinney.

Mr. Beall never practiced law extensively, and abandoned the profession at an early day. It has been said that he was noted for a warm

and generous heart, impulsive feelings and intense and vigorous activity in whatever he undertook. He possessed large, and in some respects, unusual abilities, was a fluent speaker, dignified in public position, and courteous and affable to all.

EDWARD S. BRAGG.

Edward S. Bragg was born in Unadilla, Otsego county, New York, on the 20th day of February, 1827. His father's name was Joel Bragg; he was born in the town of Paulett, Rutland county, Vermont, February 26, 1784, and was of English descent and revolutionary stock.

Joel Bragg's father died when he was twelve years old, and the young boy went into the then wilderness of the state of New York to seek his fortune. He found a habitation after a good deal of wandering about, in the upper part of the Chenango valley in that state, where he commenced his life, having for companions Indians and early settlers. From this start he grew to be a man respected by all who knew him for his sound judgment, his probity and integrity, inflexible determination, energy and untiring industry. He was wholly self-made, without the benefit of any education except such as he taught himself. He was a clear, sound thinker, and possessed an acute and incisive intellect, which made him a natural lawyer, but he never essayed to practice, but followed farming, milling and lumbering for his calling in life. He died at his home in Unadilla, on the 10th day of January, 1870—not from disease, but because his mortal machinery was worn out.

Margaretha Kohl, a German by birth, was Joel Bragg's wife, and mother of Edward S. Bragg. She was born in the city of Lancaster, Pennsylvania, July 17, 1787, and was given a good, practical education by her parents. She was married to her husband, Joel Bragg, in the city of Baltimore at St. Paul's church, Oct. 16, 1822. She was a good wife and an affectionate, devoted and indulgent mother, generous and hospitable, and with energy and industry, which carried her fully abreast with her husband in the accomplishment of the purposes which he undertook. She died at Fond du Lac, Wisconsin, Feb. 23, 1871.

There were born as the fruits of this marriage five children—four boys and one girl. All of the boys, except Edward S., died without



Yours very Truly
E. S. Bragg

issue, and with his decease the family name of this branch of the family will become extinct.

Edward S. Bragg—the subject of this memoir—at the early age of twelve years, selected the law as the profession which he intended to follow, and was educated with express reference thereto. His early education, covering the rudiments of a practical education, were received at the district school, and closed in his twelfth year. From that time he was taught, preparatory for a college course, in four of the most celebrated academies of that day in that section of New York—at Oxford, Chenango county; at Delhi, Delaware county; at Franklin, in Delaware county; and at Gilbertsville, in Otsego county. In 1844 he was admitted to the freshman class in Geneva (now Hobart) college, New York (which institution conferred upon him, on June 22, 1848, the degree of LL. D.), and remained there, following the course of study in the curriculum until the summer of 1847, when he closed his college career and entered the law office of Judge Chas. C. Noble, at Unadilla in the state of New York, from whom he had secured the right to a chair in his office at the early age of twelve years, by personal negotiation.

In 1848 he was admitted to the bar of the state of New York, upon an open court examination. He came to Wisconsin in 1850, and opened a law office at Fond du Lac, where he has ever since remained.

On the 2d day of January, 1854, he married Cornelia Colman, a granddaughter of Col. Nathaniel Rochester, one of the founders of the city of Rochester, in New York, which was named for him.

Six children were born, the issue of this marriage—three boys and three girls—two of the boys, Harry Sweet and Rochester, died in childhood; William Kohl died at the age of twenty-one, after graduation with honor at the Pennsylvania military academy. The eldest daughter, Kate Colman, married Clarence W. Henry, and died without issue October 18, 1895, at the age of forty-one. The second daughter, Margaret, married Frank H. Sherman, a lieutenant in the United States navy; both are still living, and have two children, Edward Bragg Sherman and Helen Leslie Sherman. The third daughter, Bertha, married George Percival Scriver, now a major in the United States army, both of whom are living, and have two children, Elizabeth and Catharine.

The subject of this memoir has occupied in civil and political life the following positions: District attorney of Fond du Lac county in 1854; delegate to the national democratic convention at Charleston, in 1860; delegate to the union national convention at Philadelphia, in 1866; delegate to the union sailors' national convention, New York, in 1868; senator from Fond du Lac district, 1867-69; and was appointed, seriatim, assessor of internal revenue, and postmaster at Fond du Lac, by President Johnson, in 1867, each of which appointments the senate of the United States refused to confirm because of the belief in and adherence to the democratic faith for which the appointee was noted. He was elected four times a member of Congress from the district in which he lives, as a democrat. His service in that body covered the forty-fifth, forty-sixth, forty-seventh and forty-ninth congresses. In February, 1888, he was appointed minister to Mexico by President Cleveland, and served in that capacity until the administration was changed.

General Bragg is and always has been a democrat of the old school. He was a delegate to the democratic national convention at Baltimore in 1872; chairman of the Wisconsin delegation in the democratic national convention at Chicago in 1884, and again in 1896; and a delegate to the democratic national convention at Chicago in 1892.

General Bragg has never made the acquaintance of Mr. Fear; indeed, he knows of his existence only because of his observation, not from personal experience. He is plain spoken and calls things by their right names. No party label has ever been strong enough to hold him in party line when he believed that the best interests of his state and nation were hostile to the proposed action. A late and convincing proof of this is afforded by his action in the last presidential election, when he actively opposed the nominees of the national convention of the democratic party.

The editor acknowledges his obligations to Messrs. William P. Lyon and Charles E. Dyer for their estimates of General Bragg as a lawyer, and fully concurs in what they have written of him. Judge Lyon has thus expressed his view:

"Prominent in the list of names of those lawyers of Wisconsin who have honored the state by their ability, brilliancy and fidelity to professional obligations, will be found the name of Edward S. Bragg, who, for nearly half a century, has been a central figure in the state and federal courts.

"Before General Bragg commenced practice he had acquired an unusually thorough knowledge of the elementary principles of the law, and on that solid foundation, by continued and well-directed study and thought, inspired by profound love of his profession and appreciation of its true dignity, he has become one of the great lawyers of the country. Although he has served with conspicuous ability in the halls of Congress, and with equally conspicuous gallantry and patriotism as a soldier during the late war of the rebellion, and although he has given his service freely to promote the success of the political party with which he is identified, and in the councils of which he exerts a commanding influence, he has never ceased to make knowledge and successful pursuit of his profession the paramount business of his life. Comparatively few have such a record for professional fidelity, and fewer still for professional success.

"General Bragg has not only a strong, clear, analytical mind, which enables him readily to grasp and retain legal principles, but he also possesses the much rarer ability—indispensable to greatness whether as a lawyer or judge—to correctly apply those principles to the facts of each case as they may be established by the evidence. He also excels in the ability, so essential to a lawyer's success, to make a clear and logical statement of such facts to the court or jury. Many a meritorious case has been lost because of an imperfect or bungling statement of facts, but it would be a surprise to the bench and bar of Wisconsin to learn that General Bragg had lost one for such a reason.

"In the speeches and writings of General Bragg little mere rhetorical ornamentation is found, and no straining for effects. As a speaker he is pleasing, calm and convincing, and always commands marked attention. His style is terse and vigorous, and he excels in logical power. Indeed, his premises granted, it is difficult, usually impossible, to escape his conclusions. It is not easy to determine in which forum—the trial or appellate court—he is strongest, for he possesses very high qualifications for success in either, but whether in one or the other his arguments are always learned and sincere, and hence are valuable aids to the formation of correct judgment. This is the true function of argument.

"It may properly be said in conclusion that General Bragg is a most consistent and faithful exponent and practitioner of true legal ethics. This is the rock upon which his reputation, and all enduring professional reputations are builded. When the next generation shall make

up the roll of great lawyers who lived and flourished in Wisconsin during the first half century of its existence as a state, it is confidently believed that the name of General Bragg will have thereon a prominent and honorable place."

Judge Dyer has written as follows:

"To General E. S. Bragg has long been deservedly accorded a position of leadership in the ranks of the legal profession. His prominent identification with the bar of the state began at an early period and has continued without interruption, whether actively connected with professional work at home or engaged in the public service of his country as soldier, legislator, or national representative abroad. No more brilliant galaxy of lawyers ever adorned the professional annals of a state than that in which he may justly claim equal membership in high and meritorious service. Surviving many eminent contemporaries, he continues to maintain a rank and reputation in the profession which no rivalry in the past or present has been adequate to abate. Nature endowed him with the qualities of a great lawyer. Born and bred to the law as the bird to the air, his equipment for the profession is as natural as it is efficient and complete. Instant in discernment, vigorous in thought and apt in expression, forensic discussion becomes with him playful enjoyment in comparison with the labored efforts of those not possessed of aptitude for debate. Grounded thoroughly in fundamental principles and in the best learning of the law, he naturally and instantly distinguishes what is superficial from what is sound, and repudiating the former, takes his stand on the solid ground of elementary principle and logical reasoning, rather than on the dictum of some chance authority easily invoked in support of fallacious argument. To such a lawyer, Richard Tidd is better authority than shelves of modern books of Practice and Pleading.

"By genuine right of natural possession, must be accorded to General Bragg the qualities of the true, competent and accomplished lawyer. When he promulgates a legal principle, whether of application or construction, he gives no false or uncertain sound. Sharp, clear, concise, apt in statement, his conclusions always follow his premises in good marching order. He fights in a trial at nisi prius as he fought on the battlefield, with courage, sincerity, singleness of purpose and tenacity. Nothing escapes or eludes him. If struck, he strikes back with ease and celerity, and never loses his self-command. Pertinent in illustration, quick in repartee, clear and cogent in argument, he never loses sight of the controlling question or the main point in the case. He never shoots at random, but always at the mark. That is one of his distinguishing characteristics. His fire is never scattering, but always concentrated.

"Broad in his knowledge of general literature as in that of the law, and rich in abundant accumulations, carefully stored in a faithful memory, but kept ready for instant use as occasion requires, he is as delightful in conversation and companionship as he is dextrous, able and accomplished at the bar. His reputation is national. Wisconsin takes just pride in his career as lawyer, legislator, soldier and civilian. His name is associated with deeds of valor. His fellows say of him, he could not be Bragg if he were not brave. Yet his tenderness of heart was most touchingly illustrated when, during a visit at one of the charitable institutions of the state, a lady asked him to tell a war story to an audience of orphan children, and he replied: 'I can face a cannon, but truly, have not the courage and cannot trust myself to speak to these orphan children.'"

General Bragg's military career has been sketched for this work by Colonel Rufus R. Dawes, brevet brigadier general, of Marietta, Ohio, who was next in rank to him in the same command during their four years of service:

"Immediately after the firing upon Fort Sumter Edward S. Bragg began the enlistment of a military company at Fond du Lac, Wisconsin. His commission as captain bears the date of May 5th, 1861, and his company was assigned to the sixth regiment of Wisconsin volunteer infantry. The company was designated in the line of battle as 'Co. E.' The regiment joined the army of the Potomac in July, 1861. Captain Bragg was promoted to fill the first vacancy among the field officers of the regiment and his commission as major is dated September 17, 1861. He was again promoted to be lieutenant colonel on June 21st, 1862. Up to this time the regiment had not been engaged in battle. This year of preparation in camp and on the march had brought the command to a high standard of efficiency, and the men fretted with an impatient zeal for the experience of an actual battle service. General Irwin McDowell, himself an accomplished, exacting soldier, then commanding the army corps, said of the Wisconsin troops: 'Many times I have shown them to foreign officers of distinction as specimens of American volunteer soldiers, and asked them if they had ever anywhere seen, even among the picked soldiers of the royal and imperial guards, a more splendid body of men? and I have never heard an affirmative answer.'

"The first actual contact with the enemy is known as the Fredericks Hall Raid, an expedition sent out to cut the Virginia Central railroad and obstruct the passage of ammunition and supplies to General Lee's army, then advancing against General Pope. Colonel Bragg was second in command, and the leading spirit in the accomplishment of a complete success of this expedition.

"From August 20th to August 27th, 1862, the regiment was engaged in skirmishing and supporting artillery. Colonel Bragg was at his post and received his baptism of fire, but on the evening of August 28th began our real experience in battle in the bloody engagement known as the battle of Gainesville.

"Here our brigade lost one thousand men killed and wounded. In the midst of action our colonel, Lysander Cutler, was shot and severely wounded, and Lieutenant Colonel Bragg succeeded to the command of the regiment and gallantly led it throughout the struggle. Immediately afterward occurred the battle of Bull Run the Second. During the two days of engagement with the enemy Colonel Bragg commanded the regiment. After this weary and depressing week of hardship and defeat; while we rested for a day in camp, Colonel Bragg was invited by his fellow-citizens to come home and run for Congress on the union ticket. His answer was, 'I will run for Congress on the union ticket, but I cannot leave my regiment in times like these.'

"The next engagement with the enemy was in the battle of South Mountain, September 14th, 1862. In the ascent of the steep and snowy slope Colonel Bragg commanded and led the regiment. His ability as a leader of men in battle was nowhere better illustrated than upon this field. The action was under the eye of the commander of our army, George B. McClellan, and in describing the conduct of the Wisconsin regiments he used this language: 'I have seen them under fire acting in a manner that reflects the highest possible credit and honor upon themselves and their state. They are equal to the best troops in any army in the world.' On the 17th of September, while leading his men in an early morning attack by General Hooker's corps in the battle of Antietam, Colonel Bragg was shot and severely wounded. He mastered his weakness and charged to the front of the right wing of the regiment to save the men from the destructive fire of the enemy. This accomplished, he fell unconscious upon the ground. He was speedily taken up and carried in a shelter tent taken from the shoulders of one of the soldiers to a place of safety. We feared that his wound had disabled him, but later in the day the men of the regiment were astonished to see their commander, whose wound had been attended to, coming out to take his place again in the line of battle.

"At Fredericksburg Colonel Bragg commanded the regiment. On March 24th, 1863, he was promoted to be colonel of the regiment. On April 29th, preliminary to the campaign of Chancellorsville, the 6th Wisconsin and 24th Michigan were selected to cross the Rappahannock river in pontoon boats in face of the fire of the enemy, and established a lodging on the southern shore. There were not boats enough launched to carry the men of the two regiments. With his accustomed quickness of apprehension, Colonel Bragg ordered his regiment to

move on the run by the right of companies to the front, and directed each company to seize a boat. The 24th Michigan moved by the flank in a column of four ranks, but the 6th, having a shorter distance and being in better form, filled nearly all the boats, and under the leadership of their gallant little colonel, clambered up the banks on the southern shore and captured the rifle pits of the enemy, taking ninety prisoners. Throughout the trying campaign of Chancellorsville Colonel Bragg commanded his regiment. The hardships of that defeat, enhanced by cold and storm, were trying upon the morale of the officers and men. The cheerful spirit and courageous endurance of Colonel Bragg were most conspicuous and went far to keep up the nerve and courage of his men. Soon after this campaign he was severely injured by a kick from a horse and was obliged to go to the hospital for treatment.

"The next campaign in which he was engaged was Mine Run. It was an undertaking of hardship rather than of bloodshed. The weather was intensely cold. The regiment was engaged in a short skirmish with the enemy's cavalry, which had raided upon our ammunition train, and this was our most active service; but Colonel Bragg showed the moral courage here which distinguished his service as much as his conduct upon the field of battle. In the council of war to decide whether the enemy's entrenchments should be attacked Colonel Bragg voted 'no.' After a careful personal examination he was satisfied that we could not succeed.

"On May 5th and 6th, 1864, was fought the great battle of the Wilderness. Through the bloody struggle in the tangled chapperal of that remarkable field, Colonel Bragg bravely and skilfully led his men. On the morning of May 5th he was placed in command of a brigade of Pennsylvania troops, known as the Junior Bucktails. This was a gallant body of soldiers who had achieved distinction by heroic service in the battle of Gettysburg. That a Wisconsin colonel should have been selected to command a Pennsylvania brigade and welcomed to the service by them, is sufficient evidence of the standing Colonel Bragg had gained as a brave and exceptionally capable leader of men in battle. He commanded this brigade in the battles of Spottsylvania, Laurel Hill, Jericho Ford, The North Anna, Tolopotamy and Cold Harbor. On the 5th of June the brigade was removed from our division and Colonel Bragg returned to the command of his regiment, but on June the 8th he was assigned to the command of the Iron Brigade, which he led in the assault on Petersburg June 18th, and he commanded it during the long and weary siege which followed.*

"In June, 1864, his nomination as brigadier general, made by President Abraham Lincoln, was confirmed by the senate. On July 30th he

*At the time Colonel Bragg was assigned to a command as brigadier general he was junior colonel of the brigade of which his regiment formed part, and when

commanded the Iron Brigade during the engagement known as the Mine Explosion, and he was also its commander in the bloody battle known as the Weldon Road, which took place on August 19th. General Bragg, when in battle, always maintained a perfect self-possession. He was quick to see, prompt to act and his manner and bearing was always an inspiration to his men. As a commander in camp he was exceedingly solicitous for the comfort of his men. He knew every man in his regiment by name and he possessed their personal friendship as well as their confidence and admiration. He endeavored always to stimulate the esprit de corps and to arouse the pride of his men in the achievements of the regiment in battle.

"It was always for the glory of the Old Sixth as much as for the justice of the cause that he appealed to them in battle. For the rights and for justice to those who were under his command he stood against the world, the flesh, the devil, and the war department. When another regiment took possession of our winter quarters after a terrible march, he was about to drive them out at the point of the bayonet. Seeing our forlorn condition, they generously offered to go, when he invited them to share the cabins with us. When the war department issued an order that practically coerced the officers of the veteran regiment to a service they had never volunteered, General Bragg made up their case so clearly and strongly that the war department recognized the justice of his position and modified their order.

"This beautiful letter may illustrate his manner of expression and his spirit as a soldier:

" 'Headquarters Sixth Regiment Wisconsin Volunteers,

" 'Near Belle Plaine, Va., April 4th, 1863.

" 'His Excellency the Governor of Wisconsin:

" 'Sir: On behalf of the regiment I have the honor to command, I return to the state of Wisconsin the regimental color presented this regiment in the summer of 1861.

he was placed in command of the iron brigade his senior was relieved from duty in order that the brigade might be commanded by General Bragg. A similar compliment was paid him as a brave and efficient commander at the battle of Tolopotamy Creek, a senior colonel being directed by the corps commander to waive his rank in order that Bragg might be in command. At the battle of Fitz Hugh Crossing the dash was led by Colonel Bragg in person in broad daylight and in open boats for the purpose of capturing the enemy's rifle pits on the south side of the Rappahannock. The desired result was accomplished under a terrible fire, and immediately afterward the colonel was recommended by General Wadsworth, and the recommendation was approved by General Hooker, for a brigadier general for distinguished gallantry, although his rank was then but lieutenant colonel. In 1865 General Bragg was tendered by General Griffin, of the fifth corps, a brevet major generalship, which was declined.—Editor.

“ ‘We part with it reluctantly, but its condition renders it unserviceable for the field service. When we received it, its folds, like our ranks, were ample and full; still emblematical of our condition, we return it, tattered and torn in the shock of battle. Many who have defended it “sleep the sleep that knows no waking;” they have met a soldier’s death; may they live in the country’s memory.

“ ‘The regiment, boasting not of deeds done, or to be done, sends this voiceless witness to be deposited in the archives of our state.

“ ‘History will tell how Wisconsin honor has been vindicated by her soldiery, and what lessons in northern courage they have given southern chivalry.

“ ‘If the past gives any earnest of the future, the “Iron Brigade” will not be forgotten when Wisconsin makes up her jewels.

“ ‘I have the honor to be, very respectfully, your obedient seryant,

“ ‘EDWARD S. BRAGG,

“ ‘Colonel commanding sixth regiment Wisconsin volunteers.’

“In giving this inadequate summary of the wonderful battle experiences of General Bragg I have not used figures which, after all, best disclose the character of battle service. According to Colonel Fox the brigade in which his service was rendered had the greatest number of men actually killed in battle of any brigade in the army of the Union, and of the two thousand regiments which lost men in actual battle, the sixth Wisconsin regiment is number ten upon the list.

“General Bragg was advanced to the command of his division and became an acting major general. He had entered the service as a captain, hampered by an entire lack of military experience, and had literally fought his way to this high position. The brevet of a major general was at his command, but he never asked for it. His soldierly qualities, trained in so many battles, had shown him to be of the highest type as a commander of men; but, his duty performed, like a true American volunteer, he returned to achieve his career in civil life.”

ELIHU COLMAN.

Elihu Colman was born in Oneida, Brown county, Wisconsin, May 11, 1841. His father, Rev. H. R. Colman, who was born in New York state in 1800, became a minister of the Methodist Episcopal church, preached in eastern New York until 1840, when he came to Wisconsin as a missionary to Oneida Indians. Remaining in the work for some years, he finally took up his residence in Fond du Lac, in 1847, and that

was his home for the greater part of his time until his death in 1895. The mother of Elihu Colman was, before her marriage, Lydia Elvira Spier. She was born at Lake Pleasant, New York, in 1802 and died in 1890.

As stated above, Rev. H. R. Colman and his family located in Fond du Lac in 1847, and that city has been the residence of the subject of this memoir ever since that time. His preliminary education was received in the graded schools of Fond du Lac and in the preparatory department of Lawrence university, Appleton, Wisconsin. Prepared for college, he entered the collegiate department at Appleton in the classical course and was graduated therefrom in June, 1865, with second honors.

Upon leaving college he began the study of law in the office of Blair & Coleman in Fond du Lac and was admitted to the bar in 1866, and since that time has been in the active practice of the law in Fond du Lac to the present date. From 1867 to 1879 he was a member of the firm of Hauser & Colman; of Colman, Carter & Kent in 1879 and 1880; from 1880 to 1882 the firm was Colman & Kent; from 1886 to 1895 the firm was Colman & Sutherland, and in 1896 his firm was Colman & Parkinson. Since October, 1896, he has been in business alone.

In February, 1890, he was appointed United States district attorney for the eastern district of Wisconsin, and while occupying that position he handled a great many important cases. He was the first United States attorney to bring prosecutions, under the direction of the post-office department, to drive the Louisiana lottery fraud out of the country. He was also engaged in the Fox river overflow cases, and, with the assistance of United States attorney A. E. Thompson, of Oshkosh, practically closed out all of that class of cases against the government. He won for the government the test case on title to land on which stands the new Milwaukee government building and superintended the payments for the same. Since the close of President Harrison's administration his attention has been largely devoted to corporation law.

Mr. Colman enlisted as a private in company G, first Wisconsin

cavalry, and served as private and commissary sergeant until January, 1863, when he was honorably discharged for physical disability.

He cast his first vote for Abraham Lincoln for President in 1864, and has always been a member of the republican party. In 1867 he was appointed register in bankruptcy, and held that position until 1872, when he resigned it to take his seat as a member of the assembly in the Wisconsin legislature. In that session he was chairman of the committee on federal relations and leader of the house on political matters. He originated the movement and prepared the bill, which became a law the following session, to abolish the office of state prison commissioner and put the affairs of the state prison in the hands of a board of directors. In 1880 he was the nominee of the republican party for Congress in the then fifth district of Wisconsin, running against General E. S. Bragg, nominee of the democratic party, and reducing his majority about 4,000.

He is a member of the G. A. R. post, Ancient Order of United Workmen, Knights of Honor and Royal Arcanum. Of the latter he has been a member of the supreme council for sixteen years and is also a member of its law committee. He is a member of the Methodist Episcopal church.

Mr. Colman was married to Lizzie M. Hill, of Madison, Wisconsin, September 29th, 1868. The children are Edna M. Colman, Claire Colman (died in 1888), Ralph H. Colman and Paul Colman.

CHARLES A. ELDRIDGE.

Charles A. Eldridge was born at Bridgeport, Vermont, February 27, 1821; while he was young his parents removed to New York, where he attended the common schools and was admitted to the bar. He came to Wisconsin in 1848, settling in Fond du Lac, where he continued to reside. In 1854 and 1855 he was state senator; he first became a member of Congress in 1863 and sat as such in the 38th, 39th, 40th, 41st, 42d and 43d Congresses—a period of twelve years—a longer period of consecutive service than has been served by any other member from Wisconsin. His long participation in national politics and the fact that for the last few years of his life he was afflicted have caused

him to be thought and spoken of more as a politician than as a lawyer. As a member of Congress Mr. Eldridge had a wide reputation; he was aggressive, pungent in speech at times and ever ready to take proper advantage of a mistake by the leaders of the opposition to the democratic party. During a considerable part of his congressional career he was a member of the judiciary committee. His death took place at Fond du Lac, October 26, 1896.

GUSTAVUS A. FORREST.

Gustavus A. Forrest is a native of New Hampshire, where he was born August 25, 1845. His parents, James M. and Amelia Ames, were both from the same state, where the father was by occupation a farmer and stock raiser. With his family the latter came west in 1850, and in the following year purchased a farm at Fort Winnebago.

The earlier education of Gustavus A. Forrest was received in the common school of Kenosha, later attending at Fort Winnebago, Columbia county, Wisconsin, and completing his studies at Lawrence university, entering the latter in 1863 and being graduated therefrom in 1868. His mind decided on taking up the legal profession, he entered the office of Spooner & Lamb, at Madison, and in the first class graduated from the law school of the state university in 1869.

It was the year following that he moved to Manitowoc, and for some time he was an assistant to E. B. Treat. He started out for himself, however, in 1872, with C. M. White, under the firm name of White & Forrest. The partnership lasted until 1880, when it was dissolved and the firm of Forrest & Sedgwick organized. This continued until 1882, when an association was formed with Charles Blesch, which lasted until 1887, since which time Mr. Forrest has followed his profession alone. While his practice has been of a very general character its diversity has enabled him to give the best evidence as to the variety of his professional attainments. He has handled, and with marked success, several murder cases, as well as a large number of highly important civil suits, fifteen of his cases having been sufficiently important to find final settlement in the supreme court. The estimation in which he was held in his community was shown in his election, for several terms, be-

tween 1871 and 1890, as city attorney of Manitowoc, previous to which, in 1870, he had for two years held the position of justice of the peace.

A stanch republican in his political opinions, he is a highly valued member of the party, and his views and opinions have at all times carried considerable weight. An old time member of the Odd Fellows, he belongs also to the American Legion of Honor. In the business enterprises of his town he has ever taken a prominent part, and at the present time is a stockholder in the Manitowoc slating company and also in the Manitowoc elevator company. His religious affiliations are with the Episcopalians.

This record would be incomplete without some tribute to the high qualities of his estimable wife, formerly Esther A. Kress, to whom he was married at Manitowoc, December 18, 1871. Of a family of seven children there are four living—James M., Harvey G., Josephine A. and Mamie A.—while Louise, Maud and Gustavus A. are deceased.

Faithful to every duty, a patient and indefatigable worker, punctilious and observant of the little things of his profession, upon which his sound good sense has taught him the truest success has its foundation, Mr. Forrest is unquestionably well deserving of the eminent place he has obtained in the profession he chose to make his life work.

NATHAN CLARK GIFFIN.

Nathan C. Giffin is a member of the law firm of Giffin & Sutherland and one of the prominent lawyers and able citizens who have so wisely guided the public affairs of Wisconsin. He traces his ancestry to Simon Giffin, who is believed to have come from the north of Ireland, previous to 1761, and settled in Halifax, Nova Scotia. He is said to have been a man of wealth and culture; at all events, his was a character which impressed itself upon the community, since one of the city's public parks bears his name. His son, Simon, Jr., and the great-grandfather of Nathan C. Giffin, was an officer in the revolutionary army and a resident of Connecticut, dying in that state at an advanced age.

Mr. Giffin's grandfather, David, during the war of 1812 rendered valuable service to his country as a captain of militia on the Canadian frontier. He was a native of Bennington, Vermont, but in 1800 had

settled at Oswegatchie, New York, and purchased a farm located six miles above Ogdensburg on the banks of the St. Lawrence river. There he had established his family and when hostilities with England began was in a geographical position to render good military service, and, as after events proved, possessed the ability to do so. He died in 1840.

Of the eight children comprising the family of David Giffin five brothers survive, and all but one are professional men. One of them, Dan S., is a lawyer who still lives upon the old homestead at Heuvelton, St. Lawrence county, New York, where, on October 10, 1833, was born the subject of this memoir. His father, Nathan Ford Giffin, was an enterprising merchant and a man of property, operating a general store, shoe and harness shops, an ash factory, a tannery, and saw, shingle and flouring mills. He died in his native town September 12th, 1891, at the advanced age of eighty-six years. Mary (Galloway) Giffin, his mother, a woman of strong character, was of Canadian birth.

As his parents were intelligent people in prosperous circumstances, their children enjoyed liberal educational advantages, Nathan himself entering the Wesleyan seminary, at Gouverneur, New York, when he was fifteen years of age. Here he prepared for Union college (Schenectady), from which institution he was graduated in 1859. In college he was a member of the Delta Kappa Epsilon fraternity. Soon after graduating he entered the law office of Isaiah T. Williams, a leader of the New York city bar, and in 1860 was admitted to the practice of his profession. He claimed that city as his residence for four years, although during the thirty-seventh Congress (1861-63) he resided in Washington, acting as clerk of the committee on revolutionary claims in the United States senate. During this time Preston King was chairman of that committee.

In the fall of 1863 Mr. Giffin moved to Fond du Lac, Wisconsin, where he has since resided, practicing alone during nearly this entire period of thirty-five years. From 1875 to 1880 O. T. Williams was his law partner and since January, 1896, he has been the senior member of the firm of Giffin & Sutherland. Except that he has avoided criminal cases, Mr. Giffin's practice has been general. It has steadily increased in bulk and importance, much of it now being devoted to

probate and commercial law. One of the most interesting and important cases in probate with which he has been identified was that which grew out of the contest of the will of Walter C. Scarboro by his mother, two sisters and a brother. The sisters were subscribing witnesses to the will and the brother was named as one of the executors of the estate. The case was tried twice and at each trial the will was sustained. Mr. Giffin appeared for the legatees.

That Mr. Giffin's abilities are not confined to the mere practice of his profession is evident from the fact that his fellow-citizens have honored him with several public offices. In 1865 he was chosen city attorney and re-elected in 1866, 1867, 1869 and 1870. He was alderman in 1868 and for a part of his term president of the city council. For several years he served as a member of the school board and held the position of county judge for a term of four years and a half, commencing in 1873. In 1876 he was made a director of the free public library and continued to serve in that position for a period of fifteen years, and was president of the board for three years. He was for nine years trustee of Rienzi cemetery and has been trustee of Lawrence university, Appleton, for the past sixteen years, being at the present time vice president of the board, ex-Senator Philetus Sawyer being the president.

Judge Giffin has for more than half a century been a prominent member of the Methodist Episcopal church, steward of the local church for thirty-four years, member of its board of trustees for more than a quarter of a century and for eight years trustee of the Wisconsin conference, being at this time president of that body. For a third of a century he has also been among the best known Masons of the state. In 1864 he became a Master Mason, in 1869 a Royal Arch Mason and in 1870 a Knight Templar, serving for several years as master of his lodge. He was grand lecturer of the grand lodge in 1869, deputy grand master in 1876 and 1896, and grand master of the state in 1897. Since 1887 he has been trustee of the grand lodge, and since 1885 has been a permanent member of the grand commandery of Knights Templar of Wisconsin.

On the 27th of August, 1862, Mr. Giffin was married to Jane C. Eddy, in Philadelphia, New York. They have four children living—

Anna, now Mrs. Waldo Sweet, of Fond du Lac; Emma, now Mrs. Dr. F. T. Stevens, of Mount Pleasant, Iowa, whose husband is identified with the Iowa hospital for the insane; Lucina M., who married Rev. R. O. Irish, a missionary to China, and Don E., a student at Lawrence university. Myra E. Giffin died in 1876.

As to noticeable traits of character, it should be added that Mr. Giffin is domestic, a great reader and a lover of art.

SIMON GILLEN.

The subject of this sketch is a native of Mitchell, Sheboygan county, Wisconsin, where he was born on May 1, 1855. He has always resided in the county, and it is a sufficient tribute to his excellent character to say that he is universally respected by those who have known him so long and so well. His parents, James and Nancy (Larken) Gillen, were natives of Ireland and became residents of Massachusetts in 1841. Being a farmer, the former was not greatly attracted by the soil of the east, and after an experience of eight years (in 1849) decided to remove to Wisconsin. The farm upon which he then located with his family was far more to his liking and he operated it for many years. At the advanced age of eighty-nine he still lives in Sheboygan county, well preserved both physically and mentally and taking a lively and intelligent interest in events of the day.

The boy was educated in the district schools of Sheboygan during his early years, but from the age of thirteen to eighteen gave most of his time to farming. For two years thereafter he was in the employ of the Chicago & Northwestern Railway company and during a period of about seven years previous to 1883 again engaged in agriculture.

Mr. Gillen had already become very popular among the democrats of the county, who admired him for his qualities of sociability, practical knowledge and talents for political organization. As early as 1881-82 he was selected as chairman of the board of supervisors of his native town, and in the fall of 1882 was elected to the legislature. During the fall of the succeeding year he became clerk of the circuit court, which position he retained for three terms, giving eminent satisfaction to both bench and bar. It was during this period that Mr. Gillen commenced

the reading of law with characteristic energy, absorbing the contents of all the books which he could purchase or borrow. In May, 1888, he was admitted to the bar by the state board of examiners and during the same year was elected district attorney of his county. He was re-elected for three successive terms, serving in that capacity for five years, and resigned the position to accept the county judgeship. To the latter post of honor he was elected in the fall of 1893, his term of office commencing in January, 1894, and ending in January, 1898.

Up to this time Judge Gillen had been alone, but he then formed a partnership with Martin Hughes, which still continues. His practice has necessarily been of rather a varied nature, his experience as district attorney taking him into the domain of both criminal and civil law. In either he seems equally at home and, although notably successful as a prosecuting attorney, his fitness for the judicial position was at once demonstrated.

In religious belief Judge Gillen is a Roman Catholic. It may also be stated that his social and domestic traits have been gratified by his marriage (in October, 1896) to Miss Amelia Stube.

PAUL T. KREZ.

General Conrad Krez, the father of Paul T., was one of the ablest and most widely known German Americans who ever resided in Wisconsin, and his life was a succession of more stirring events than often falls to the lot of one man. As a law student at the university of Heidelberg, Germany, he joined the revolution of 1848 and fled to France, where he remained for two years. In 1850 he emigrated to the United States, first settling in New York, where he married Adolphine, the daughter of Judge Stemmler. Four years later he came to Sheboygan, Wis., where he remained until the outbreak of the civil war. He then raised a regiment, composed principally of his fellow-countrymen, which was mustered into the service as the twenty-seventh Wisconsin volunteer infantry. Of this organization he was appointed colonel and served gallantly throughout the war; at the time of the Mexican difficulties his regiment did guard duty upon the Rio Grande frontier. He was mustered out of the service as brigadier general of volunteers and

upon his return to Sheboygan resumed the practice of his profession.

General Krez was district attorney of Sheboygan county for eight years, serving as city attorney in 1880. During 1885 he removed to Milwaukee and became collector of the port, being appointed by President Cleveland. With the change of national administrations and the appointment of his successor by President Harrison, General Krez returned to the practice of law. He was elected to the legislature in 1889, was city attorney of Milwaukee for two years, and died on March 10, 1897.

Paul T. Krez, the son, was born in Sheboygan, in August, 1860, and that city was the scene of his early education. He commenced his law studies, also, in his father's office and graduated from the legal department of the university of Wisconsin in 1880. He continued in partnership with his father until the removal of the latter to Milwaukee in 1885, since which time he has practiced alone in Sheboygan.

Mr. Krez has confined himself professionally to the civil law. One of the most important cases in which he has been engaged was that of Trester vs. Sheboygan, to prevent the city from paying for streets which had been legally acquired; also C. Riess Coal Company vs. Charles A. Born, mayor of Sheboygan, to compel the latter by mandamus to pay money for work on a verbal contract which was due. Outside of his private practice Mr. Krez has gained considerable prominence, both as a public official and in business circles. He was city attorney in 1883, and a member of the board of public works for about four years; he also organized and successfully conducted the South Side Land company and is a prime mover in the formation of the Kade Hygienic Soda Fountain company, an organization designed to place a new fountain upon the market which shall compete with that manufactured by the trust.

It is evident from the foregoing facts that Mr. Krez is a tireless worker and it may be added that with his industry and ability is combined a courtesy and consideration which are bearing their legitimate fruits. He is a democrat, a Mason (now senior warden of his lodge), and has a membership in the Royal Arcanum and the Benevolent and Protective Order of Elks.

Mr. Krez was married in 1886 to Miss Minnie J. Schroeder, at Kenosha. They have one child, Conrad.

MAURICE McKENNA.

Maurice McKenna was born at Springfield, Massachusetts, on the 31st of May, 1846. The boy shortly afterward removed with his parents to Cambria, Niagara county, New York. He made Wisconsin his home in October, 1854, locating on a farm in the town of Eldorado, Fond du Lac county. He there received his primary education, subsequently attending the Fond du Lac high school and teaching in the district schools of the locality.

However commendable the career of a country pedagogue, Mr. McKenna's ambition took a broader turn at an early date, his final decision being that the legal profession offered him the best opportunities for general advancement. Like many other young men of earnestness and patriotism, however, the execution of Mr. McKenna's plans was retarded by the civil war. He entered service as a member of company I, thirty-ninth Wisconsin volunteer infantry, being mustered out in 1864. During the succeeding year he commenced his legal studies by entering the office of Blair & Coleman, of Fond du Lac, as a student, and in 1866 his studies and experience there were supplemented by a course of instruction under Henry F. Rose. Before progressing further, however, it was necessary to secure employment, and in 1870 he was elected clerk of the county court—a result gratifying both to his pride and promise of future preferment. For the six years covering the period from 1870 to 1876 he served in this capacity and his record is one of faithfulness and efficiency.

In June, 1876, Mr. McKenna was admitted to the bar and has practiced in Fond du Lac ever since. He is not only considered a good lawyer and a safe counselor, but a man of rare judgment in public affairs. He has been a member of the board of education for several terms and during a decade was a representative of the county board of supervisors, being for three years chairman of that body.

Finally, he is a gentleman of culture and originality, a marked evidence of his versatility being his poetic talents, which are of a high order

and were in strong evidence even during his school days. His earlier poems were collected in a volume, which met with a flattering reception and which was entitled "Elva Lee and Other Pieces." His "Poems, Rhymes and Verses," published in 1890, contained his more mature productions, the book being warmly praised by critics, both personally and in the press.

LYMAN J. NASH.

The subject of this sketch was born on a farm near Millville, Orleans county, New York, January 18, 1845. His father, Francis Nash, was also born in that state; but his paternal grandfather was born in the state of Connecticut, where the family name was founded by Edward Nash, emigrant from England, in 1654. His mother, whose maiden name was Catharine Van Bergen Curtis, was born in Massachusetts and is a descendant of the old Dutch Van Bergen family known along the banks of the Hudson a hundred years before the revolutionary war.

Mr. Nash came to Wisconsin with his parents in 1851 and lived with them upon a farm in the town of La Prairie, Rock county, until twenty-one years of age. During the later years, however, of this period, he taught school, and by his private studies prepared himself for college, which he entered in 1866. In 1870 he graduated from Lawrence university, Appleton, Wisconsin. Immediately following his graduation he was principal for two years of the north side high school at Manitowoc, Wisconsin. He was admitted to the bar in December, 1872. From January, 1873, until May, 1874, he practiced law at Manitowoc in partnership with E. B. Treat; and from May until December, 1874, with O. F. A. Green. From December, 1874, until October, 1875, he practiced law alone, and at the latter date he formed a law partnership with A. J. Schmitz, which was continued until January 1st, 1881. From the end of this period until the present time he has continued his practice in company with his brother, Edwin G. Nash, the firm name being Nash & Nash. He has been an alderman, a member of the school board, and is a trustee of Lawrence university, secretary of the Hamilton Manufacturing company, of Two Rivers, Wisconsin, and a director of the national bank of Manitowoc.

ANSON C. PRESCOTT.

Anson C. Prescott was born in Fond du Lac county in the year 1852. His parents were Charles W. and Julia (Kenniff) Prescott; his father was a native of New York and removed to Wisconsin in 1844. He was educated in the public schools and the university of Wisconsin, graduating from the latter institution in 1877. After obtaining his collegiate degree he entered the law department of the university and after a two years' course therein was admitted to the practice of his profession.

In 1879, directly after graduation, Mr. Prescott came to Sheboygan, where he opened an office and entered into partnership with Alex. Craven. This connection continued for one year, when he became associated with L. D. Harvey. Since 1882 he has practiced alone.

Mr. Prescott is a republican and his party has honored him upon several occasions by bestowing offices upon him whose functions were in line with professional work. For several years he has served as city attorney and has been district attorney of Sheboygan county.

For many years he has been identified with the Masonic fraternity, but, as a rule, has had little connection with any but professional organizations. As to business enterprises in which he is financially interested, it may be stated that he is a stockholder in the Excelsior Wrapper company.

Mr. Prescott was married at Sheboygan Falls, in 1885, to Miss Alice Richardson. They have three children—Eleanor, Katherine and Oliver.

AUGUST E. RICHTER.

August E. Richter, county judge of Fond du Lac county, was born in Saxony, Germany, on the 8th day of February, 1853. His father, August Richter, and his mother, whose maiden name was Ernestine Sophia Klaebe, came to Wisconsin when their son was but two years of age, stopping for a time at Milwaukee, subsequently residing at Cedarburg, and finally, in 1865, removing to Fond du Lac, where they have since resided, until the death of the mother, October 22d, 1892.

After receiving a liberal education in the Fond du Lac schools Mr.

Richter entered the drug business, at which occupation he remained ten years, when the republican party placed him in nomination for clerk of the circuit court for Fond du Lac county, and although the county was at this time strongly democratic he was elected by a flattering majority.

The duties and associations of this position, together with a faithful application to the study of law, enabled him to make such rapid progress in it that in January, 1885, he passed his examination with credit and was admitted to the bar.

Commencing to practice at once, he soon began to build up an enviable practice and rapidly gained the reputation of being reliable in counsel and successful and faithful in the conduct of cases.

In 1889 the republicans of the county singled him out as their candidate for the office of county judge, and again he overcame the usual democratic majority and was elected. Since that time the people of Fond du Lac county have expressed their thorough appreciation of his ability, industry and integrity by twice re-electing him to the office without opposition.

In religious belief Judge Richter is a Lutheran. He is a member of the Masonic order and other societies in the city.

GEORGE G. SEDGWICK.

George Goodwin Sedgwick, of the firm of G. G. & C. H. Sedgwick, Manitowoc, Wisconsin, was born at Andover, Oneida county, New York, February 13, 1843. The same year his parents removed to Illinois and located at Bloomingdale, about twenty-four miles west of Chicago. His education was obtained at the latter place and in Wheaton college; the stay in college was shortened by reason of enlisting for service in the civil war in 1862, as a member of company D, one hundred and fifth Illinois; was mustered in as sergeant; promoted to orderly; discharged because of disability in the spring of 1863; in 1864 enlisted in the one hundred and thirty-second Illinois as a private; promoted to commissary sergeant. Mr. Sedgwick obtained his legal education by reading while he was teaching school in Illinois and in the office of G. W. Foster, at Port Washington, Wisconsin, where he was admitted to the bar in 1874. From the fall of 1874 until the 1st of January, 1880, he

practiced law at Kewaunee, in partnership with William H. Timlin, now of Milwaukee; in 1880 removed to Manitowoc and practiced there as a member of the firm of Sedgwick & Forrest. Mr. Sedgwick's present partner is his son, Clyde H.

In politics Mr. Sedgwick is and has been a republican; has been a delegate to several state conventions, and was such to the national convention of 1896. He has held a number of minor offices and is now city attorney and member of the school board.

NATHANIEL P. TALMADGE.

The greater portion of the career of Nathaniel P. Talmadge was lived before he became a resident of Wisconsin. He was born at Chatham, Columbia county, New York, February 8, 1795; was graduated from Union college; admitted to the bar in 1818; elected to the popular branch of the legislature of New York in 1828; served in the state senate from 1830 to 1833; in the United States senate for two terms; appointed governor of Wisconsin territory June 21, 1844, by President Tyler; served in that capacity from November 16, 1844, to May 13, 1845. Upon retiring from office he became a resident of Fond du Lac and entered upon the practice of his profession. He died at Battle Creek, Michigan, November 2, 1864.

CHARLES H. WALKER.

Charles H. Walker was born in Tully, Onondaga county, New York, September 5, 1828; in his youth he removed to Ohio, where he was graduated from the Western Reserve college. His practice in Wisconsin was begun at Kenosha, whence he removed to Manitowoc in 1854. He represented that county in the assembly in 1856 and 1857, and served it as county judge from 1857 until 1862, when he resigned to enter the military service. He raised a company, was elected and commissioned captain and served with the twenty-first Wisconsin regiment. At the close of the war he held the rank of major. His death took place in the town of Manitowoc Rapids, December 14, 1877.

JOHN WATTAWA.

John Wattawa was born in Milwaukee on April 3, 1860. His parents, Matthias and Josephine Wattawa, both of whom were natives of Bohemia, emigrated to the United States in 1855 and located at Milwaukee, removing to Kewaunee in February, 1860. Here he attended the city school and at the age of ten commenced work in the saw mills, continuing to be thus employed for five years. At the age of sixteen he commenced to teach country schools in the county, and in 1881 was elected principal of the Ahnapee (now Algoma) high school, which position he held for four years. In 1881 he was elected county superintendent of schools of Kewaunee county, which position he held for five years.

During all this period, which would have been considered sufficiently crowded with duties by the average young man, Mr. Wattawa was giving every spare moment to the study of the profession with whose possibilities he had already been long impressed. He had pursued a regular course of reading and study in the offices of Timlin & Mansean and George B. Byron, and in July, 1887, passed a brilliant examination before the state board of examiners at Milwaukee. Returning to Kewaunee, he entered practice in the fall of that year, and his energy, ability, straightforward dealing and popular traits of character have been the means of building up a legal business which is second to none in the county. During this period he has been in partnership with W. F. Shea, now of Ashland, and John H. Brennan, now of Stevens Point. Among the prominent cases in which he has been engaged was that in connection with Mary Sindelars, in 1895, charged with the murder of her husband, and whom he successfully defended.

Mr. Wattawa is an active democratic leader in local, state and national politics. In 1881 he was elected village justice of the city of Kewaunee and in 1888 and 1889 served as city attorney. In 1889, 1890 and 1891 he was a member of the Kewaunee county board and in the latter year was elected its chairman. In 1892 he was chosen mayor of the city of Kewaunee, and in 1893 was re-elected to the same office. He then declined to further serve in this capacity; notwithstanding which,

he was again chosen in 1897 and 1898. Mr. Wattawa was graduated to a broader field, when he became a member of the democratic state central committee in 1894 and a presidential elector on the democratic ticket in Wisconsin in 1892. He was one of the two delegates from the eighth congressional district to the national democratic convention held at Chicago in 1896. His vote in the national convention was cast for Grover Cleveland and against the silver plank of the platform, but upon the nomination of Bryan he accepted the dictum of the majority and supported the regular party policy.

Mr. Wattawa has been a member of the Kewaunee school board for the past ten years and served for several years as alderman in the city council of Kewaunee; being a delegate to the democratic state convention in 1894 and in 1892. He was president of the Young Men's Democratic club of Kewaunee in 1888 and was at the head of the city council of Kewaunee for two years. From the above record it will be seen that there are few men of his years in Wisconsin who have been so continuously honored by their fellow-citizens as Mr. Wattawa.

Outside of his profession and his public and political duties, Mr. Wattawa has also important and varied business interests. He organized the Kewaunee Furniture company in 1893 and the Kewaunee Bohemian Printing company in 1892.

On January 8, 1887, he was married to Miss Kate Walsh, daughter of Felix and Bridget Walsh, of Two Rivers. They have four children.

DAVID E. WOOD.

Mr. Wood was born in Beaver county, Pennsylvania, in 1823; he was a college graduate and had practiced law before he came to Wisconsin, about 1848. His first location was at Manchester (Brothertown), Calumet county; he was a member of the assembly in 1850. The next year he removed to Fond du Lac, where he practiced law about ten years. "He maintained a respectable practice without, however, attaining the highest rank in the profession. He was a man of eminent scholarly attainments and good professional ability. He had a fine, full physique and presence; was a perfect gentleman, with a strong dash of the 'chivalrous' in his nature and bearing, though quite sensitive

and retiring in habit. Though of no religious profession or church membership, and mingling freely in the somewhat convivial, free and easy society of his day, no one ever heard from him an oath or slang word or smutty story or joke. There was nothing vulgar or low about him." He served as judge of Fond du Lac county in 1854-57. In the fall of 1861 he became colonel of the fourteenth regiment Wisconsin infantry, went to the front, contracted disease, returned home and died June 17, 1862.

CHAPTER XX.

THE FIFTH CIRCUIT, ITS JUDGES AND LAWYERS.

The fifth judicial circuit is now composed of the counties of Richland, Crawford, Grant, Iowa and La Fayette, and includes within its borders a large and important part of the "lead region" of the northwest.

What is now southwest Wisconsin had become, prior to 1830, the seat of a considerable population, drawn thither chiefly by the discovery of the rich mineral resources of the soil. During the years 1825 and 1826 a rush of immigration to the upper Mississippi mines occurred which in extent is unparalleled in the entire history of the United States, unless it be by the flood that poured into California a quarter century later. Parts of the present counties of Grant, Iowa and La Fayette were, before the detachment of Wisconsin from Michigan in 1836, more densely populated than any other portions of the latter territory, with the possible exceptions of Milwaukee and Green Bay.

At Prairie du Chien and vicinity there also existed in the early years of the century a growing settlement. Long before the discovery of the lead mines the area about the confluence of the Mississippi and Wisconsin rivers had been the field of a large Indian trade, the Astor Fur Company had established a branch at the point, and in 1814 a fort, or rather stockade, had been erected. The fort was soon captured by Colonel McKay with a few troops and Indian allies and was held by the British until the conclusion of peace in 1815. Fort Crawford was then erected and was garrisoned by United States troops until 1856.

Among the early settlers in the lead region were many lawless adventurers, characters such as invariably attend the development of a new and particularly a mining country. With them, however, came men of ability and integrity, who took a prominent part in territorial affairs and who subsequently sustained important roles in the history of the state. Among these were a number of lawyers whose names are

intimately associated with the progress of order and education and the upbuilding of the commonwealth. Such men as Charles Dunn, Moses M. Strong, M. M. Cothren, Amasa Cobb and C. C. Washburn, of Mineral Point; Orsamus Cole, of Potosi; Ben C. Eastman, of Platteville; Nelson Dewey, J. Allen Barber and J. T. Mills, of Lancaster; Thomas P. Burnett, of Prairie du Chien, afterwards of Grant county, constituted a bar unequaled in those days, and perhaps never since in the history of Wisconsin surpassed for force, resource and rounded attainment. The part that these and others of the pioneer attorneys of southwest Wisconsin, many of whom had attained prominence in their profession in the south and east, took in the reduction of early chaos to system and order, in which freedom shook off license, and enduring foundations of the future state were laid, will be more particularly considered in the biographical sketches in this work. In those days they belonged not alone to the particular community in which they resided, but to the whole vast territory. So their professional activities were not confined, as is now usually the case, to the narrow limits of a city or county; they extended throughout the entire region wherever courts were held, and where legal tribunals did not exist exerted a restraining and salutary influence upon customs and morals of immeasurable value to a crude and restless civilization.

From May 7th, 1800, to January 11th, 1805, jurisdiction over the domain of the present state of Wisconsin was vested in and exercised by the territory of Indiana.

From January 11th, 1805, until February 3d, 1809, by the territory of Michigan.

From February 3d, 1809, until December 3d, 1818, by the territory of Illinois.

On December 3d, 1818, Illinois was admitted into the Union, and that portion of the territory north of the new state was remanded to the jurisdiction of Michigan territory. In the same year Governor Cass laid out that portion of Michigan territory lying west of Lake Michigan into three counties, viz.: Michilimackinac, Brown and Crawford. The southern boundary of the county of Michilimackinac was designated as "the dividing ground between the rivers which flow into Lake Su-

perior and those which flow south," while all of the territory south and west of the county of Michilimackinac was divided into two counties which were separated "by a line drawn due north from the northern boundary of the state of Illinois through the middle of the portage between the Fox river and Ouissin (Wisconsin) river, to the county of Michilimackinac." The eastern county was called "Brown," in honor of the commanding general of the army; the other was called "Crawford," in compliment to the then secretary of war.

All of the present fifth circuit was therefore included in the county of Crawford.

By an act of the governor and judges of Michigan territory adopted on the 21st of December, 1820, the county system of jurisprudence theretofore existing was reorganized and revised. It was provided that a court should be established in every county of the territory to consist of a chief justice and two associate justices, any two of whom should constitute a quorum. It had original jurisdiction in all civil cases where the matter in controversy was not within the jurisdiction of a justice of the peace and did not exceed the sum of \$1,000; and appellate jurisdiction from any judgment or decision of a justice of the peace. It also had concurrent jurisdiction with the supreme court in the cognizance of all but capital crimes and offenses. Clerks of the county court were appointed by the governor, and terms of court were limited to two weeks. The act also contained minute provisions in regard to pleading and practice, the appointment of sheriffs, marshals, attorneys, etc. By its terms justices of the peace were to exercise jurisdiction where the matter in controversy did not exceed \$100. The probate courts were to consist of a judge in each county.

By an act approved June 18th, 1828, all civil and criminal jurisdiction of the county courts of the counties of Michilimackinac, Brown and Crawford was transferred to the circuit court of the United States to be held in each of said counties, but this jurisdiction was restored to the county of Crawford by an act passed July 31st, 1830.

The supreme court consisted of three judges appointed by the President of the United States. Its place was taken in the counties of Michilimackinac, Brown and Crawford by the additional judge provided

for by act of Congress of January 30th, 1823. This act was to take effect from and after the following March. The judge thus appointed was to "possess and exercise within the counties (aforesaid) the jurisdiction and powers possessed and exercised by the supreme court of said territory (Michigan) and by the county courts of said counties, respectively, and to the exclusion of the original jurisdiction of said supreme court." Appeals were allowed from the county court to the court established by this act, and writs of error to this court, from the supreme court, and appeals in equity suits. The court was required to hold one term annually in each county; at Prairie du Chien on the second Monday in May, at Green Bay on the second Monday in June, and at Mackinaw on the third Monday in July.

The act required the judge to reside in one of the counties, and he was paid the same salary and in the same manner as the judges of the supreme court.

The settlement of that part of Michigan territory known as the "lead mines" had so increased by 1830 that an act of Congress was passed on April 2d of that year which provided "that the term of the court appointed to be held annually on the second Monday of May at the village of Prairie du Chien, by the additional judge of the United States for the territory of Michigan, shall be held on the first Monday of October, annually, at Mineral Point, in the county of Iowa."

The first judge appointed under this act was James D. Doty, at the time of his appointment only twenty-four years of age. He first resided at Prairie du Chien for a short time, and afterwards lived permanently at Green Bay. He was succeeded by David Irvin in 1832, who continued to hold office until the organization of the territory of Wisconsin in 1836, when he was appointed one of the three judges of the supreme court.

When Judge Doty went to Prairie du Chien in 1823 to hold his first term of court there were no lawyers at the place. To supply the deficiency the judge induced James H. Lockwood, who had studied law for a year in his youth and who had been located as a trader and merchant at the Prairie since 1816, to commence the practice. Mr. Lockwood's principal occupation, however, continued to be that of a trader,

though he occupied many public positions, among them being that of a judge of the county court, to which he was appointed in 1830.

The first term of the county court of Crawford county was held at Prairie du Chien, May 12th, 1823, Francis Bouthillier and Joseph Rolette, judges. The court, composed of the same judges, met again the following year. No term was held in 1825, nor from May, 1826, again until November, 1830, at which time Thomas P. Burnett, a lawyer from Kentucky, was admitted to practice. At this term James B. Dollman was appointed prosecuting attorney.

In 1831 the court consisted of Thomas P. Street, chief justice, and Jean Brunet and James H. Lockwood, associate justices. Thomas P. Burnett was prosecuting attorney. At the November term, 1831, Col. James N. Stroud was admitted to practice as an attorney. On the third day of the term, in the case of John Jacob Astor, Robert Stuart and Joseph Rolette, trading under the name and style of the American Fur company, vs. William R. Jewett and Jefferson Nail, Zachary Taylor (then Col. Taylor, afterwards President of the United States) and James W. King entered into recognizance of special bail for the defendants.

There were a great many criminal and civil cases, some apparently of great importance, disposed of during 1831, 1832, 1833, 1834 and 1835. The record shows that the dockets must have been very large during these years. There is no record of any court being held in 1836, the year of the establishment of Wisconsin as a separate territory.

The county of Iowa was organized by act of October 9th, 1829. The boundaries prescribed by this act were: "Beginning at the mouth of the Ouisconsin river and following the course of the same so as to include all the islands in said river to the portage between the said Ouisconsin and the Fox river; thence east until it intersects the line between the counties of Brown and Crawford, as established by the proclamation of the governor of this territory, bearing date the 26th day of October, 1818; thence south with said line to the northern boundary of Illinois; thence west with said boundary of this territory to the place of beginning." The county seat was fixed at Mineral Point, and the act provided that there should be two terms of the

county court of said county, annually, on the first Mondays of June and December.

Wisconsin became a territory on July 4th, 1836. A few months previously Andrew Jackson had commissioned Henry Dodge, governor, and, among other officers, Charles Dunn, chief justice, and David Irvin and William C. Frazer, associate justices.

Among other acts of the first territorial legislature was the setting off of fifteen counties east of the Mississippi river, including the county of Grant.

The act of Congress establishing Wisconsin territory required its division into three judicial districts. The counties of Crawford and Iowa were constituted by the legislature the first district, to which was assigned Chief Justice Dunn. The first term of the territorial supreme court was held at Belmont, in the present county of La Fayette, then in Iowa county, Dec. 8th, 1836 (where was also held the first session of the legislature). There were present Chief Justice Dunn and Associate Justice Irvin.

In 1840 St. Croix county (with more extended boundaries than it now has) was organized out of the territory of Crawford county, but was attached to the latter county for judicial purposes until 1847. In the year last named La Fayette county was cut off from Iowa county. In 1842 Richland county was created, but was not organized for judicial purposes until 1850. The boundaries of the counties of Grant, Iowa, Richland and La Fayette were the same when Wisconsin became a state as they are now, but Crawford county was not reduced to its present size until some years after.

The revised statutes of 1849 divided the state into five judicial circuits, the fifth circuit being comprised of the counties of Iowa, La Fayette, Grant, Crawford and St. Croix. For judicial purposes the county of La Pointe was attached to the county of St. Croix, the county of Chippewa to the county of Crawford, and the county of Richland to the county of Iowa.

In 1850 the sixth judicial circuit was organized, composed of the counties of Crawford, Chippewa, Bad Axe, Black River, St. Croix, and La Pointe, leaving the four counties of Grant, Iowa, La Fayette and

Richland constituting the fifth circuit. In 1861 Richland county was attached to the sixth circuit, leaving but three counties in the fifth; but in 1864 the counties of Richland and Crawford were again attached to the fifth circuit, and from that time to this the circuit has remained unchanged.

Mortimer M. Jackson, of Mineral Point, who had been attorney general of the territory, was the first judge of the fifth circuit. He was elected in August, 1848, and continued to be circuit judge and ex officio judge of the supreme court until 1853. He was then succeeded by M. M. Cothren, who occupied the bench until 1865. From that date until January, 1877, J. T. Mills was judge. From January, 1877, to 1883 M. M. Cothren was again upon this bench, and in January, 1883, George Clementson took his place.

Among the attorneys of the supreme court of the territory of Wisconsin (as given in 1 Pinney) are to be found the following names of lawyers living within the fifth circuit as now constituted and bounded:

Daniel G. Fenton	Prairie du Chien.
James B. Dallam	Prairie du Chien.
James H. Lockwood	Prairie du Chien.
Wiram Knowlton	Prairie du Chien.
Charles J. Learned	Prairie du Chien.
Thomas P. Burnett ..	Hermitage (Mt. Hope, Grant county).
William W. Chapman	Platteville.
Ben C. Eastman	Platteville.
William R. Smith	Mineral Point.
Parley Eaton	Mineral Point.
William H. Banks	Mineral Point.
F. J. Dunn	Mineral Point.
Mortimer M. Jackson ..	Mineral Point.
Moses M. Strong	Mineral Point.
Samuel Crawford	Mineral Point.
F. J. Munger	Potosi.

The following poetic effusion, though fragmentary, is interesting as giving a list of many members of the bar of southwest Wisconsin in 1840, together with some little estimate of the ability of the attorneys mentioned in the lines, and a partial portrayal of their traits and characteristics. It was evidently the author's intention to "write up" each

member of the bar in attendance at some term of court held at Lancaster, the muse either failing or business preventing the completion of the task. The manuscript was recently found by J. M. Smith, of Mineral Point, among the papers of his father, William R. Smith, who was a pioneer attorney of this section of the state, and in whose hand it appears. Enclosed in the folded manuscript was a slip containing the names of the "Members of the Grant county bar in 1840," as follows: "Burnett, Strong, Eastman, Goodhue, Barber, Dewey, F. J. Dunn, Lord, Hull, Emerson, Knowlton, Latimer, Bevans, Fillebrown, Chenowith, McAuley, Harvey, Sutherland, Paine, Lakin, Noble, Jackson, Eaton, Washburn, Dodge, Anderson, Divine.

I sing of laws, of Lawyers, Courts and Jail,
And first invoke the Muse,—Great Themis, hail!
On thee I call, thy fire, thy aid I want
To write the prowess of the Bar of Grant.
Not Granta, famed for scientific lore
From cloistered Monks and Priests in times of yore,
Down to the Fellows of more modern days,
The seat of learning and the theme of praise;
But Grant, Wisconsin's farthest western pride,
Bluffly reposed on Mississippi's side;
Rich in her soil, her prairies, woods and waters,
Industrious, hardy sons, and blooming daughters;
Rich in the genial food of legal strife,
Disputes and feuds that wait on civil life:
In mines prolific, rich in native lead,
(May heaven avert the omen from my head.
Let me not feel in this my chosen toil,
The weighty influence of a mineral soil.)

Now see the Bar approach,—they straggling come,
Not martialed by the spirit-stirring drum,
Or fife, or Trump:—but through the streets they pour,
And wend their footsteps to the Court-house door;
For hark those sounds! aloft the tolling bell,
(To many a client's cause a doleful knell,)
Proclaims that now the Judge his seat has taken,
And all Defaulters must "protect their bacon."
The Office, Tavern, Grocery, now deserted,
Feel all the glory of their hour departed.
A general leads the van,—not great in stature,
But large in much that dignifies our nature;
Good sense, good humor, with a legal mind;
A spice of love to all the human kind,—

Brisk in his motions, though a little lame,—
 Ready to take a hand at any game,—
 Enough ambition to desire a seat in
 The Congress Hall, and try again when beaten;
 By modern democrats a while discarded,
 He waits till Principles shall be rewarded.
 His big black bag with clients' briefs well filled—
 His Patch Grove farm well stocked, well fenced, well tilled—
 His horse the best the country can produce,
 Whether for saddle or for buggy use.
 Then suitors, come! although your cause be sure,
 'Tis safest still his service to secure.
 The Scale is doubtful,—if you wish to turn it,
 Untie your purse-strings and apply to Burnett.

The next, emerging from the legal throng,
 With Cane in hand, comes Moses Mighty Strong;
 Learned in the law,—in politics as great;
 Skilful to lead a Case, or guide the State—
 True to his cause, involving debt or crime;
 Firm to his ticket at election time;
 By loss not scared, by victory not elated;
 Unawed in Council when by Doty baited;
 Shield of Wisconsin, when her soil was bartered,
 And Webster treaties have her rights unchartered:—
 Industrious Strong,—Surveyor, Farmer, Pleader,
 In Democratic ranks an active leader,—
 Member of Council, and who hast the care
 Of Pigeon Creek and Kaministiquair,
 Of old "Snake Hollow," (called by one who knows ye).
 United now, and dignified "Potosi,"
 Ravine of Villages,—Paris, Van Buren, Jacksonville, La Fayette,
 Thy threaded mazes no one can forget,
 Down from the prairie heights a devious way
 Until we reach the promised shipping quay.

Who, laden, hither wends his weary way?
 'Tis some one, sure, who needs an empty dray.
 With many a ponderous Tome see Knowlton come,
 The Bar, astonished, move to give him room—
 He reads authorities enough to tire 'em,
 But still he quotes, 'tis all the same to Wyram.

"Nobles and Lords may flourish or may fade,"
 (I call on Goldsmith for a Poet's aid)

Our Lords and Nobles ask no title higher
 Than "member of the Bar and eke Esquire."
 The youthful Noble waits his "practice hour"
 The justice, Lord here learns a Judge's power.

Warm from the South, of generous feeling full,
 Not chilled by northern climes, comes youthful Hull
 With spirits buoyant as surrounding air,
 With step denoting Mind devoid of care—
 Ripe for the merry dance, the song, the sport,
 Eager to show his legal tact in court;
 In Classic School well trained, his mind well stored,
 The Muse delights such promise to record.
 Then let not, Hull, this little meed of praise
 Check all the energies of future days,
 Oh! may no blight thy opening prospects mar—
 Pursue thy path, and ornament the Bar.

With smiles and bows exceedingly polite
 Attorney General Jackson swings in sight.—
 Behold approaching now a reverend band,
 Longtime the watchman o'er a wicked land,
 Exhorting sinners to sincere repentance,
 Now striving to protect them from a sentence,
 Pointing of old the surest path of Heaven,
 Now panting for a little worldly leaven,—
 See Bevans, Harvey, Chenowith, McAuley—
 (Oh for a rhyme! my Muse, these names will stall ye)
 Return, oh Bronson! from our Indian neighbors,
 Stand at their front and ease their legal labors—
 And should they plead "their clergy" then 'tis thine
 To open the Book and judge, Oh Dyer Divine!

The names of many of these men are familiar to members of the present bar; particularly (though in many cases they subsequently took a prominent part in public affairs) as workers under, and largely makers of, our early political and judicial institutions. All did not belong to the "bar of Grant," at least not all resided in Grant county. The names of several in the above list were residents of Mineral Point—Strong, Jackson, Eaton and perhaps others. To many of these pioneer attorneys the state owes an incalculable debt of gratitude. Coming to the

“lead mines” as the result of inducements a newly discovered mining country always holds out to the profession in the way of important controversy and high rate of compensation, they brought with them, besides youthful vigor and courage, ability of a high order, conspicuous integrity, and the progressive and healthful ideas necessary to the proper development of the country. They gave balance to the settlements, cooled the feverish atmosphere of speculation, and, above all, exerted an enormous influence upon the policy of the commonwealth, as judges, legislators and in humbler stations.

In the list given by Mr. Smith are to be found the first governor of the state, the first judges of the fifth and sixth judicial circuits, representatives in Congress, United States attorneys, members of the legislature, framers of the state constitution—in short, men whose names are indelibly written in the pages of our state history.

THE BENCH.

Sketches of the lives of the judges of the fifth circuit (except Judge Jackson, whose career is mentioned in another chapter) and of such of the lawyers as information has been obtained of, follow. As previously stated, the first judge under the state organization was M. M. Jackson. He was succeeded by

MONTGOMERY M. COTHREN.

Mr. Cothren was born in Yates county, New York, September 18th, 1819. The moderate means of his parents did not permit of their providing for their son educational advantages other than such as were furnished by the common schools of the vicinity. When he was about ten years old his father removed to the territory of Michigan, then the frontier of the “far west,” where educational facilities were more limited than those he had left behind him. Here he remained for nine years, assisting his father in opening up and cultivating the farm upon which he had located, devoting the little time which this duty left at his command in acquiring such an education as the circumscribed opportunities of his situation in so new a country permitted. Here he also spent a part of his time in mastering the elementary principles of that profes-

sion of which he then little thought he was to become so distinguished a member.

At the age of nineteen Mr. Cothren left Michigan for Wisconsin territory, with the purpose of teaching school and at the same time pursuing the study of his chosen profession to such an extent as his pedagogical duties would permit. On his way to Wisconsin he reached Rock River, near Rockford, where he had some acquaintances. Here he passed a year or two, and then went to New Diggings, in Wisconsin, where, when about twenty years of age, he entered upon the business of school teaching, continuing at the same time his legal studies. He followed this occupation until 1843, when he was chosen clerk of the county board of Iowa county and removed to Mineral Point, the county seat, remaining there until the time of his death.

In the same year (1843) he was admitted to the bar and formed a partnership with Parley Eaton. The firm of Eaton & Cothren soon had an extensive practice, and the junior member of the firm at once attained a high standing at the bar, which grew more and more with increasing years and was marked by a corresponding success.

Mr. Cothren was a member of the house of representatives in the territorial legislature during the years 1847, 1848. In 1848 he was elected state senator from the fifth senatorial district, embracing the counties of Iowa and Richland, holding the office until 1851. During this later period the general laws of the state were revised and collated as the "revised statutes of 1849." Mr. Cothren, as chairman of the senate judiciary committee and member of the commission appointed to undertake this work of revision is entitled to much of the credit for its accomplishment.

In 1852, the term for which Judge Jackson had been elected as judge of the fifth judicial circuit being about to expire, Mr. Cothren was nominated by the democratic party of the circuit to succeed him, and was elected by a large majority over his opponent. The platform upon which he ran affirmed the necessity of political party nominations, the first resolution of the kind in the state, and a declaration which was severely censured by many in both parties.

In 1852 Judge Cothren was one of the democratic presidential elec-

tors, with his colleagues casting the five votes of Wisconsin for Franklin Pierce and William R. King.

In 1863 he was democratic nominee for chief justice of the supreme court, but was defeated by Judge L. S. Dixon, the scale being turned by the vote of soldiers in the field. In 1880 Mr. Cothren was an unsuccessful candidate for Congress.

After a service of twelve years upon the bench, he resumed his law practice, and in 1876 again became a candidate for the circuit judgeship. The republican party had placed a candidate in nomination, W. E. Carter, then of Platteville, and an "independent" candidate was also in the field, self-announced. The hold which the former judge had secured upon the confidence of the people, the satisfaction he had given upon the bench, and his wonderful personal popularity overcame all opposition. He was easily elected and served his third term from 1877 until 1883. In 1882 he was defeated by George Clementson, the republican nominee. In 1889 Judge Cothren was nominated for associate justice of the supreme court by a caucus of democratic members of the legislature. He made a somewhat extended personal canvass of the state. His opponent was Judge Cole, whose election followed by a majority of more than 33,000.

Upon retirement from the bench he again took up the active practice of the law, continuing in it until his death, which occurred October 27th, 1888. He died ten days before the election in which he would have figured as democratic candidate for state senator.

Judge Cothren was married in 1848 to Esther Maria Pulford, who, with five children, two sons and three daughters, survived him.

He was a man of unswerving integrity, dignified, kind-hearted and charitable. The predominant trait in his character was generosity towards the faults and failings of his brethren of the bar, particularly, and all mankind, generally. He never indulged in malicious gossip. It was his habit to speak evil of none, and his desire to speak well of all. If he could not conscientiously praise, he was charitably silent. Nor was his benevolence limited to this. "He visited the sick, clothed the naked, fed the hungry, and never refused aid to the deserving poor."

Judge Cothren was a thoughtful man, and, while not unsociable, was

not very communicative. Nevertheless he was quite approachable, and delighted to give advice, assistance and counsel to young men, especially to young lawyers. As a natural result of his meditative cast of mind, we find him pondering deeply over religious matters, and, quite as naturally, shifting about as his convictions altered in the effort to find firm ground. He was brought up in the Presbyterian sect. In 1857 he was confirmed by Bishop Kemper in the Protestant Episcopal church, but did not permanently continue the relation. At one time he was a devout Methodist; at another he investigated the Catholic creed, ritual and ceremonies, declaring it to be the only true church. He did not, however, give practical effect to his inclinations in this direction. Later he stated that Beecher was preaching the only consistent doctrine of the age, and still later took up the study of Swedenborg's writings and was so deeply interested in them that he became a firm disciple of his faith, which he openly avowed and consistently practiced until his death. He was a believer in the communication of those gone before with those still in mortal garments dressed, affirming his own experience of the truth of the tenets of Spiritualism.

"The prominent defect in the character of Judge Cothren as a lawyer was that his professional, like his scholastic, education had been fragmentary and without system. He had none of the advantages of law schools or lectures, nor even the benefit of a regular course of study under the supervision of any competent lawyer. Notwithstanding these embarrassments, which he alone appreciated at their full importance, the uncommon strength of his native intellect, his quick intuitive perception, and his ready faculty of making the appropriate application of the proper legal principles to each case as it arose, enabled him to overcome the latent defects of his professional education to such an extent that to the layman and to the superficial lawyer, genius had the appearance of education, and tact and intuitive perception effectually concealed any lack of professional education. It was in the trial of jury cases, the examination of witnesses, and in arguments to the jury that Judge Cothren won his principal distinction as a lawyer. To his intellectual and perceptive faculties, to his genius and tact, were added a wonderful knowledge of human nature and of the influences which af-

fect human action. The confidence which was reposed in his integrity and his unswerving devotion to truth and honesty by all with whom he came in contact was unlimited. His warm sympathy with all the better feelings of our nature permeated his whole life. His generous and noble nature and his universal self-sacrificing love of his fellow-men seemed to attach all to him. These elements of his character gave to him such an influence over the hearts of witnesses, jurors, and all whose concurrent thought and action he desired, that his power over them may most appropriately be called magnetic. Possessing these faculties, he supplemented them in arguing a case to the jury by an intelligent and attractive mode of arranging for their consideration the issues presented by the case; a clear and fair statement of the facts and evidence of facts existing in the case, as well against him as in his favor; and superadded to which he made the most powerful arguments, sustained by analytical and synthetical reasoning, of which the case admitted. His arguments were always adorned with finished rhetoric and fervid eloquence.

. . . "Called to the bench at the early age of thirty-three, with only nine years' practice at the bar, it would have been wonderful indeed if the manner in which he discharged the duties of his novel position had not elicited criticism. He had from the beginning of his term a modest diffidence of his ability, but it was overweighed by a sensitive consciousness of the integrity of his intentions and an inflexible determination that truth and justice should be his guiding star, which under all circumstances he would impartially follow without fear or favor, and that he would administer the law as he understood it, according to the best lights which had been vouchsafed to him. This determination, upon which he ever acted, always sustained him, and if it led him into any error, he knew and all knew that it was of a character which is ever liable to result from the infirmities and ignorance of the most perfect of men. To parties litigant every reasonable opportunity was always afforded of presenting their whole cause of action or their whole line of defense. To attorneys and counsel the judge, while careful to maintain the observance of the duty due from them to the bench, was as scrupulously observant of every right and courtesy due to the members

of the bar. He appeared to act upon the apothegm of Lord Bacon in his essays, that 'patience and gravity of hearing is an essential part of justice, and an overspeaking judge is no well-tuned cymbal. It is no grace to a judge first to find that which he might have heard in due time from the bar; or to show quickness of conceit in cutting off evidence or counsel too short.' To jurors he was (to quote Bacon again), 'a light to open their eyes, but not a guide to lead them by the noses.' His charges were always fair and perspicuous, and, if exceptionable, a fair bill of exceptions could always be obtained. Witnesses were always protected by the judge from any improper or impertinent examination."

It may be said, to sum up, that Judge Cothren was one of the most distinguished and promising members of that pioneer bar which, attracted to the mineral region of southwest Wisconsin from the states of the east and south, exerted an all-pervading influence in public affairs from Lake Michigan to the Mississippi, and to whose learning, integrity and high qualifications we are indebted for many of the brightest pages in our commonwealth's history. "He was entitled to rank high as a jurist in the great body of American lawyers." He loved and honored his profession with an unchangeable devotion and never violated its ethics or its amenities. His faults were the result of frontier civilization. They were superficial. The sterling worth of the man shone through them as the sun through mists. His frailties will be soon forgotten, while his good heart and right mind will live on.

Judge Cothren's successor was

J. T. MILLS.

Joseph Trotter Mills was born at Cane Ridge, near Paris, Bourbon county, Kentucky, December 18, 1811, making him eighty-six years of age at the time of his death. He belonged to a family of influence in his native state, his father being a judge in some of the lower courts and his uncle, Benjamin Mills, was for many years a justice of the Kentucky court of appeals. At an early date, probably about 1826, the family removed to Bond county, Illinois, leaving their son Joseph behind them, who remained to study with his uncle. Of this uncle, Benjamin Mills, he always spoke with great regard, saying that no young person

could come, under his influence without being inspired to study and to self-improvement. While in his uncle's family he had tutors, as was the fashion in the south in those days. One of these was McGuffey, who afterward published the well-known "McGuffey's readers" and spelling-books. Another was a Quakeress named Ferguson, who exhibited to her pupils a picture of Satan dragging a slaveholder to hell. This was the earliest intimation he ever received that anybody thought slaveholding wrong.

Before he was twenty years old he became clerk for Porter Smith, the clerk of court for Bourbon county. During this period of his life he personally knew the Clays, the Breckenridges, the Blairs, the Harneys, and other leaders of state and national life.

In 1831 he joined his family in Bond county, Illinois, and soon thereafter went to Illinois college at Jacksonville. Edward Beecher, brother of Henry Ward Beecher, was president of the college. Among Judge Mills' classmates were Richard Yates, afterwards the war governor of Illinois; Rev. Drs. Post, of St. Louis, and Robert Patterson, of Chicago.

He left the school and came to the lead region in 1833, but not finding wealth there returned to school. The following year Col. Taylor, afterwards President Taylor, who was in command of Fort Crawford at Prairie du Chien, Wisconsin, sent a request to President Beecher to furnish him a teacher for his children. The choice fell upon Mr. Mills, and in September, 1834, he came to Wisconsin. He taught for a time in Col. Taylor's family and then became a clerk in the Indian agency. He settled in Lancaster, Grant county, about 1840, and that was his home until the death of his wife, in 1893, led to his removal to Manitowoc, Wis., where he lived with his daughter.

At the time of his death, which occurred Nov. 22, 1897, he was visiting his son in Denver, Colorado.

Judge Mills was married three times. His first wife was Evelina Warner, the eldest daughter of a prominent lumberman of Millville, Grant county. She died in 1839; in 1842 he married her youngest sister, Rebecca. By this wife he had seven children. Three died in infancy. One, Joseph Milton Mills, became a promising attorney at

Gunnison, Colorado. He died in 1885. Three yet survive. These are a daughter, Eva, wife of J. S. Anderson, of Manitowoc, Wisconsin; George Mills, United States deputy and mineral surveyor of Mancos, Colorado, and J. Warner Mills, a prominent attorney and law book author of Denver, Colorado. His second wife died in 1857, and in 1861 he married Mary A. Coumbe, who died in 1893 without issue.

Judge Mills often said he had no natural predilection for the law. In his youth he thought he preferred the pulpit or teaching, but almost the first person he met on arriving at Prairie du Chien was Hon. Thomas P. Burnett, an eminent lawyer and reporter of the first territorial reports. Mr. Burnett had been a law student of Judge Benjamin Mills, and had also been a clerk in Porter Smith's office when Mr. Mills was there. He was older than Mr. Mills, and took a very kindly interest in his young friend; and, knowing his qualifications, insisted upon his entering the legal profession. As Mr. Mills often said: "Tom Burnett just picked me up and threw me into the law."

Accordingly we find that he was admitted to the bar of the territorial district court, held at Lancaster, March 27, 1844, on motion of Thomas P. Burnett, he, Ben C. Eastman and Nelson Dewey being the examining committee, and Charles Dunn, chief justice of the territorial supreme court, judge presiding.

His contemporaries in his early practice were Thomas P. Burnett, Nelson Dewey, Orsamus Cole, J. Allen Barber, William R. Biddlecome, William Hull, Ben C. Eastman, George W. Lakin, S. O. Paine, Charles and Frank M. Dunn, M. M. Cothren, Moses M. Strong, Samuel Crawford, Mortimer M. Jackson, James H. Knowlton, and Wiram Knowlton. All these readily acknowledged him as their peer, and the best of them knew that if he had "Joe Mills" as opposing attorney he had a foe worthy his best efforts.

His relations with Hon. J. Allen Barber were peculiar. For years they were upon opposite sides of almost every important case tried in Grant county. They were essentially unlike in character, in habits, in appearance, in tastes; yet each had that respect for the abilities of the other which made them the best of friends.

The writer well remembers the occasion of the bar memorial exer-

cises held in Lancaster in honor of Mr. Barber at the court term following his decease. The usual resolutions were reported, several addresses, more or less perfunctory, were made, when all eyes were turned to Judge Mills, who had not yet spoken. He, too, sat silent, apparently struggling to obtain control of his emotions. Then he arose and began a discourse upon the immortality of the soul—the unending existence of the intellect. All arguments which philosophy has educed from either Christian or heathen sources in favor of that doctrine he summarized in that address. He closed with a personal tribute to his departed friend, in which his finer characteristics were illumined and so vividly portrayed that the departed appeared to stand transfigured before us, the air seemed filled with his presence, the walls seemed to echo his voice. The audience was awed, and when he had concluded it was long before any one found voice for concluding the exercises.

As a lawyer Judge Mills was thoroughly conscientious. "Honest Joe Mills" was the sobriquet by which he was well known in Grant county. He loved a hard-fought case, seemingly not for the reputation attaching to the winner, still less for the fee to be gained, but entirely for the conflict. As he put it, "he didn't like to be beaten" in anything he undertook, and he never gave up until he had either won or until every possible resource had been exhausted. His practice extended to the highest courts, and a case lost in the lower courts was frequently won in the higher tribunals upon some point saved for review. He seized the salient points, and his briefs were concentrated upon those, as he always maintained a case was weakened by introducing minor considerations. Neither did he have great patience with many technicalities, and has often been heard to say that lawyers who fought mainly on the technicalities of practice were making law too expensive and were "killing the goose which laid the golden egg."

Probably the most lasting service which he rendered the bar of this state was in securing the early adoption of the code. That Wisconsin was the second state to adopt a code which has since been adopted by at least thirty other states was due to the efforts of Judge Mills, who succeeded in getting the measure passed by the legislature in 1856.

He was elected to the popular branch of the legislatures of 1856,

1857, 1862 and 1879. So popular was he in Grant county that he might have served continuously had he chosen to do so; but when he did go it was always at a personal sacrifice and because he wanted to secure some particular legislation. A reference to the journals of those sessions will show that his name was associated with a large proportion of the work done. He was especially interested in any changes in the general laws which would make them more conformable to the changed conditions of the people, changes resulting from the great development of the material resources and rapid progress of applied science. He was at all times an upholder of the law, and on at least one occasion prevented a crime which would have been a lasting stigma upon the county of Grant and the entire state.

The affair referred to occurred during the '50s, when there was still a garrison maintained at Fort Crawford. A young recruit deserted and, being pursued, was overtaken near the village of Lancaster. As he did not obey the command to halt, the officer in charge of the pursuing party shot and killed him. The officer was at once arrested. The people were greatly excited and a mob was formed who threatened to hang him. Judge Mills placed himself before their intended victim and pleaded, not his cause, but the cause of the law and the regard of all good citizens for the good name of their state and locality. Frequently he was interrupted by cries of "hang him, hang him," and the infuriated crowd shook the rope which they threatened to make the instrument of their vengeance in the officer's face. When argument seemed ready to fail Judge Mills resorted to humor. Never did his ready wit and faculty for story telling, in which he was often likened to Abraham Lincoln, stand him in better stead, and when he got the crowd to laugh he had won his case.

Judge Mills was elected district attorney of Grant county several terms and conducted a number of noted criminal prosecutions. He was elected judge of the fifth judicial circuit in 1864 and continued on the bench for twelve years. As a judge he was eminently fair, upright and conscientious. Many of his charges to juries were notable for clear and succinct statement. One in the case of the State vs. Robert Turner attracted wide attention at the time. The charge was murder and the

defense emotional insanity. Judge Mills, after reviewing the facts in the case and briefly classifying different forms of mental delusion, said: "But whatever be the form or character of the mental incapacity, whether idiocy, delusion or mania, the test of criminality must be this: Did the accused party at the time the act was committed know that it was wrong and did he possess the power to control his will at the time?"

This charge was given when the defense of emotional insanity was comparatively little used in this state in criminal trials, but probably greater familiarity with it has not improved upon Judge Mills' statement of the proper test in such cases.

Judge Mills was a determined abolitionist. His family in Kentucky was an anti-slavery family and voluntarily manumitted their slaves. He naturally found his home with the republican party, and was one of the founders of that party in this state. His house was once threatened by a mob of angry men who demanded the surrender of an abolitionist lecturer named Matthews who had taken refuge there. The mob, armed with guns and other weapons, among which was an old anvil for firing projectiles, drew up in front of the house and made their demand. Mr. Mills placed himself in the doorway with his gun and warned them that he would shoot the first man who came inside the yard or who pulled a trigger. As he was known to be a dead shot, no one ventured beyond the prescribed limits and the crowd gradually melted away.

During the war he was an enthusiastic friend of the Union. In the summer of 1864 he made a trip to Washington to visit the Wisconsin troops encamped there and to see the President. He was introduced to President Lincoln by ex-governor and subsequently Postmaster General Randall, who said "he never saw two men enjoy a visit together more than the President and Judge Mills. They sat there, one with his feet on the table, the other with his leg thrown over the arm of the sofa, argued, talked and told stories to their mutual satisfaction and his infinite delight."

Indeed the two had much in common; their Virginian ancestry, their Kentucky birth and their Illinois residence made them mutually familiar with many traditions. There was a certain kinship in their natures,

too—their self-reliance, cheerful temperaments and their unswerving belief in a Divine Providence.

With characteristic modesty, Judge Mills sent his account of the interview to the Grant County Herald; but it was not allowed to remain there. President Lincoln had said too many momentous things to permit the letter to be confined to the limited circulation of a local newspaper. The New York Tribune reprinted it first in the columns of a regular issue and then in pamphlet form for circulation during the impending presidential campaign, where it exercised a stupendous influence as embodying President Lincoln's undoubted views and aims.

Judge Mills was a profound scholar. He kept up with the advanced mathematics, buying most of the new text books as they came out. He was familiar not only with the ancient classics but read and spoke French, German and Spanish. He learned the last named after he was seventy years old. One of his latest efforts was to memorize the Bible in German. He was, too, a wonderful teacher, and scores of young men and women got their education under him or were inspired by him to get it elsewhere. There were years when very few young men went from Lancaster to any college who had not had some training from Judge Mills. These were among the busiest years of his life professionally, too, but he had that art of all arts in a teacher of helping just enough to stimulate and encourage the pupil to renewed labor and investigation. His former pastor, Rev. S. W. Eaton, said of him in his funeral discourse: "He was a man of extraordinary keenness and originality of intellect. Intercourse with him was refreshing and stimulating. He was continually starting new lines of thought that charmed or electrified the listener by their originality and vigor. His was not a mind to follow beaten paths, but rather to blaze new routes of investigation."

His English writing was always embellished by classical allusions and not infrequently his legal briefs were racy reading. Passages in the case Carley vs. Sylvester occur to the writer. Without outlining the contention, I quote a paragraph: "The evidence shows that he continued this battle for eighteen days—the longest fight on record. Now may we not beseechingly ask the supreme court to point out what

possible defense his honor has allowed to defendants? Has he not bottled them up hermetically? General Butler would understand the doleful situation. His honor has not only driven defendants to the last ditch, but plunged them into it, closed its yawning jaws over them and written this seventh instruction for their epitaph. Was Brigham Young, whose coffin was enclosed in huge slabs of granite bound together with bolts of iron, more securely ensepulchered? . . . But Carley was determined that the water from this tail-race should not run through his lot; whenever he saw it he was seized with a fit of hydrophobia."

The briefs in the long-contested case of McLimans vs. the city of Lancaster sparkle with witticisms: "One would think from reading the plaintiff's testimony that but for the broken plank in defendant's sidewalk her health and form would now be as robust and youthful as that of Mother Eve on her first soiree in Paradise. All physical decay must thereafter be attributed to that Pandora's box. But for it she might be the companion of the undying wandering Jew."

The plaintiff complained that vomiting, pain in her spine, paralysis, sciatica, cramps and deafness followed her injury, and he remarked: "Dr. Clark says it was a small wound, three-fourths of an inch by two inches, and it is hardly credible that such a long train of diseases could have entered her system through so small an opening. . . . On behalf of the broken board, persecuted and maligned as it has been, we have already proven an alibi. . . . Neither Samson or Milton or Homer was blinder than she on that night of nights."

His mind ran naturally to apt but unusual similes. He described the famous cross on the Mount of the Holy Cross in Colorado as resembling a "parson's white necktie." The breaking of the waves on Lake Michigan into "white caps" reminded him of the "popping of hot corn." When, during the war, he wished to cross the Potomac and visit the Union army, and, after having submitted to the innumerable requirements of government officials, was awaiting his turn to have his pass made out, he thinks of "the penniless souls about Charon's boat waiting to be ferried over the Styx."

A road which had been repaired according to the method of work-

ing out the road tax in vogue in country districts he describes thus: "Considered in a military point of view, as a defensive work it is unexceptionable. It would have halted Gen. Sherman's army."

Judge Mills was fond of outdoor life and in his younger days was a great hunter, walker and swimmer. He walked from Lancaster to Madison many times, before the days of railroads, sending his books and papers by stage. In 1856 he, with only an Indian guide, walked from St. Paul to Lake Superior, taking that as his summer recreation.

He was a man of intensely religious nature and was one of the founders of the Congregational church in Lancaster. One of his favorite arguments for the truth of Christianity was that no Jew at the time of Christ could have conceived of such a life and character without the model which was presented by the hero of the New Testament.

It is much to be regretted that Judge Mills' inclinations never permitted him to write the history of his own times. His genial nature and sense of humor could not have failed to make such a narrative attractive.

He belonged to an age which has few representatives left. He, in his youth, knew soldiers of the revolution as we know soldiers of the civil war. He remembered his grandfather, who was a personal acquaintance of the parties, telling that Parson Weems and Madame Washington used to sit by her big Virginia fireplace both smoking their corn-cob pipes, and in that "tobacco parliament" were narrated and transcribed the stories about the illustrious father of his country which are now the property of every American schoolboy. He remembered that General Taylor, when at Fort Crawford, was so illiterate that when a new manual was issued he had to have an orderly read the commands for him. Hosts of such anecdotes he knew, regarding men of an earlier period and illustrating a phase of our national life which is past and can never be repeated.

For the purpose of indicating some of Judge Mills' peculiarities and the estimate of him entertained by those who knew him best in a professional capacity, though at the risk of repeating what has been so well written of him at the editor's request, quotation will be made from the resolutions of the bar of the fifth circuit commemorative of him and

also from Mr. Justice Pinney's response to those resolutions and the address of A. R. Bushnell on the occasion of their presentation to the supreme court. The resolutions referred to expressed that "Judge Mills was a learned and able lawyer and an upright judge. No suspicion of corruption ever attached to his decisions, or any of his actions, public or private. He was essentially a student all his long life; and not of the law merely, but of the classics, the higher mathematics, and of the leading modern languages. . . . He was often called eccentric. In his pleas in court he sometimes seemed to ramble, but the opponent who counted on his omitting an essential point in his case reckoned without his host. And his apparent vagaries were often found to parry or cover a vital thrust. He was a man of extremely temperate and abstemious habits. He did not live to eat and drink, but always ate and drank to live. Thus he avoided the excess and temptations before which so many of his contemporaries at the bar of this circuit fell, and he survived them all, except Judge Cole.

"He cared little for dress or money. Such a thing as a silk hat or a broadcloth suit never adorned his person. They would have been entirely out of place with all thought of Judge Mills. Comfort and convenience in clothing were the chief requisites with him. The attractions of wealth had no power over him. The winning of his case in court was of infinitely more importance than the pay it might bring him. His wants were few and easily supplied. Good books were his chief delight, and in all sorts of lore he reveled. . . .

"The consideration of Judge Mills as a lawyer would be incomplete without notice of his kindness and condescension to the younger members of the bar. No young attorney ever applied to him for aid without obtaining from him ready and cheerful assistance. He gave to them freely from the rich stores of his legal knowledge just what they needed, without thought of pay or charge."

Justice Pinney, speaking for the court, dwelt upon and indicated some of Judge Mills' traits in an interesting manner: "His life was full of interesting incidents and adventure, which accorded well with the temperament and tendencies of one born and reared near the dark and bloody ground of Indian warfare in Kentucky. For the most part,

however, his life ran in even and natural channels and in the midst of surroundings favorable to earnest study, vigorous thought and quiet contemplation. He was a devoted student and a bold and original thinker. His habits were simple and plain; he cared little for dress or money, and was indeed quite an original character, giving little heed to the acquisition of wealth or the established ways and methods of social life in older and more fashionable communities. He was eccentric in thought and action. He was not only a great student, but an omnivorous reader, and kept well abreast with modern ideas, theories and current events. He was a man of originality and independence of thought; one who sought out his own lines of investigation and did his own thinking. He was essentially a radical—a reformer prompt to arraign and question any abuse, however venerable and however formidable or numerous its supporters. He was prone to start new theories and lines of thought, surprising a listener frequently by their originality and the vigor and address with which they were presented. . . . He will long be remembered as an interesting and instructive companion. He was of a kind and sunny disposition. Long study and extensive reading had made him a full man, not only entertaining, but instructive. As a lawyer, he was especially thorough and efficient. He excelled in argument in the court of last resort, where he often converted defeat at the circuit into substantial victory. As a trial lawyer he was noted for his tact and good management, which, with his knowledge of human nature and a ready fund of wit and anecdote, rendered him a formidable antagonist. He did not manifest any ambition for political preferment or any desire to reap the higher rewards of professional effort or skill, but instead of seeking employment in cases involving matters of commerce, manufacturing and corporate rights and interests, he was content with what fell to his lot as a village or rural lawyer, without any especial effort to extend or make his practice specially lucrative. He did not appear to care for money save as a means of satisfying reasonable wants. His arguments at the bar were characterized by vigor and clearness, and made entertaining by the witty and humorous conceits and repartees with which his efforts abounded. He was kindly and obliging to his fellows and



Geo. Clementson,

respectful and deferential to the court. . . . He was found a faithful and efficient public servant in all the various trusts with which, during his long life, the people frequently honored him. He was a learned and able lawyer and an upright judge."

Judge Mills was buried at Lancaster, Wisconsin. According to his well-known wishes, the exercises were in charge of the bar of his old circuit, and were attended by many members from outside the county. The funeral address was delivered by Rev. S. W. Eaton, who had been his pastor for forty years, and an intimate friend for a longer time. The church was crowded by his old friends and neighbors who testified by their sorrow that an honored and beloved friend had departed from among them.

Judge Mills' successor was M. M. Cothren, who was also his predecessor, and whose life has already been sketched. Judge Cothren was succeeded by

GEORGE CLEMENTSON.

George Clementson, judge of the fifth circuit, was born in Richmond, Yorkshire, England, March 13, 1842; he came to Wisconsin in the spring of 1849, and, with his parents, located at Hazel Green, Grant county; there he attended the public schools and an academy until he was seventeen years of age. His next experience was in the shop of his father, a wagon maker, where he worked until the fall of 1865, using his leisure time in study. The savings of his earnings enabled him to enter the law department of the university of Michigan, where he was a student for the college year of 1865-66. The exhaustion of his means precluded his remaining any longer; he returned home and resumed work in his father's shop, where he remained until the fall of 1867, when he entered the law office of J. Allen Barber at Lancaster as a student. In March, 1868, he was admitted to the bar. No opportunity presenting itself for employment in a subordinate position in a law office, which was desired as a means of obtaining support and acquiring practical familiarity with the law and its practice, Mr. Clementson again returned to his trade. In 1868 he was elected district attorney of Grant county and re-elected two years later. In January, 1869, he became a resident of Lancaster and has ever since resided

there; in November of that year he formed a partnership with J. Allen Barber, which continued until the latter's death in June, 1881. The election of Mr. Barber to Congress in 1870 gave Mr. Clementson all the business he could dispatch, and from that time until he became circuit judge his practice was large.

In 1882 Mr. Clementson was elected circuit judge over M. M. Cothren, and twice since that time has been re-elected without opposition. In 1895 he was a non-partisan candidate for justice of the supreme court, but was unsuccessful. Subsequently, after the death of Chief Justice Orton, he was strongly urged, without his consent, for appointment to that position, and the presentation made to the governor by his friends was such as to receive very serious consideration. In 1898, after the death of Judge Newman, lawyers from various sections of the state, without any suggestion from Judge Clementson and without its being known whether he desired the appointment or not, urged his selection. This was done solely in recognition of his fitness for that office, the conviction of his fitness resting on his record as circuit judge. Circumstances based on considerations in no wise inconsistent with his generally admitted qualifications for that office led to the appointment of another in each of these instances.

The writer of this sketch has known Mr. Clementson almost all his life, and entertains such admiration for him as a man, lawyer and judge that it is difficult to write of him with that moderation which should characterize these pages when consideration is being had of the living. The fact that he has three times been chosen judge of his circuit, twice without opposition, is significant of his standing with the legal profession and people of one of the oldest circuits in the state, and one which is second to none in the independence of its bar and the intelligence of its people. The fact must stand in lieu of further words of commendation.

In politics Mr. Clementson has always been a republican, and before he became judge he was active in advocating the claims of that party before the electors. In 1877 he was tendered by the late Horace Rublee, then chairman of the republican state central committee, the nomination for attorney general, the nominee of the convention, Wil-

liam E. Carter, having declined. At that time Mr. Clementson's health was not robust, and he could not accept the candidacy. At a later time an effort was made to induce him to become dean of the college of law of the state university. Personal considerations induced him to decline that position. Since he has been upon the bench he has put aside all suggestions of political preferment. He has served as mayor of Lancaster and three times been chairman of the county board of supervisors.

Mr. Clementson is not a member of any organization, church or society. He attends the Congregational church and is a trustee thereof. He was married in May, 1869; to Mary Asendath Burr, a niece of J. Allen Barber and a descendant of Aaron Burr. Mrs. Clementson was born at Fairfield, Vermont. To them four children have been born: George Burr, Joseph Addison, Martha B. and Bessie B. The first is a graduate of Cornell university; he pursued the study of law under his father's direction and is now practicing at Lancaster; the other son is practicing medicine at Mineral Point; Martha B. died in 1889, aged fourteen years; Bessie is a student at Rockford college.

At the request of the editor, a gentleman who has practiced at the bar for more than twenty years, and who is well qualified by experience and a clear, discriminating mind to do so has furnished his estimate of Judge Clementson as a trial judge. After referring to the fact that his practice had taken him before quite a number of the trial judges of this and other states, he says that, all things considered, "I deem Judge Clementson the best trial judge I have ever been before. His mind is well trained and mature. He is extremely quick to see a point and usually correct in its application. His own pure mind shines out through and dominates his decisions as judge. As the intent of a testator is the guiding star in the construction of a will, to which every other rule must yield, so with Judge Clementson a desire to do justice in each particular case is the guiding star of his action. This leads him at times to endeavor to evade some plain principle of law, but this is always done in order to work out justice in the case under consideration. An example of this can be found in the case of Fiedler vs. Howard, in the 75 N. W. R., 163, recently decided. In fact, nearly all

of his reversals in the supreme court result from this course on his part rather than from a misunderstanding of the law. In his manner of disposing of business he is very expeditious. This fact is well known by the bar throughout the entire state, and I think it safe to say that he will dispose of more business in a week than the average judge will in two weeks. From this desire to dispatch business arises what may be considered a fault in his make-up as a trial judge. His mind is so acute and acts with such rapidity that he sees a point and discovers the vital spot in a case as if by intuition, and so frequently has decided a case before his less fortunate brother who is trying the case as counsel and whose mind moves less rapidly, has been able to grasp the real, vital point of the case. This frequently gives rise to a charge that the judge has taken sides. In fact, he has not done so any more than every judge takes sides in deciding any case where he is only actuated by a desire to do justice, and at the same time dispatch business before them with promptness. In his charges to the jury he is usually brief and expresses himself clearly and concisely, in language readily understood by men of ordinary intelligence. His principal fault as a judge is in endeavoring to do what might be called neighborhood justice, and to brush aside all technicalities or rules of law that stand in the way of effecting this result. While this frequently leads him into error, and induces him to go farther than our supreme court is inclined to follow him, yet it more frequently leads him into right action than would a more labored and logical course of technical reasoning from which was absent the element of human sympathy and love of right."

THE BAR.

LEVI H. BANCROFT.

Levi H. Bancroft is a native of Wisconsin, having been born on a farm in the town of Bear Creek, in Sauk county, on the 26th day of December, 1860. The family antedates the revolution on both his father's and his mother's side.

His father, George I. Bancroft, was a son of Levi Bancroft and Jane (Ball) Bancroft, of New York. Leaving New York state for the great

west in 1855, he settled on the farm where our subject was born, and in 1859 was united in marriage with Helen Randolph, of Winnebago county, Illinois. The Bancrofts are of English origin, dating back to the time of Elizabeth, Richard Bancroft, archbishop of Canterbury, being an ancestor of the American family of that name. Helen Bancroft, the mother of L. H. Bancroft, is a direct descendant of Peter Randolph, who emigrated from Scotland to New Amsterdam prior to the English conquest, and who was the ancestor of the Virginia Randolphs. On her mother's side she is a great-granddaughter of Lieut. Rufus Hurlbut, who was killed September 6th, 1781, at Fort Griswold, at the time of the capture of New London, Connecticut, by the English expedition under Benedict Arnold, during the American revolution.

Levi H. Bancroft received his early education in the common schools, and in 1880 graduated from the high school at Lone Rock, Wisconsin. After two years' experience as a teacher in the Lone Rock schools he entered the law department of the university of Wisconsin and was graduated therefrom in the class of 1885, and in 1886 opened an office for the practice of his profession at Richland Center, Wisconsin. His career at the bar has been exceptionally brilliant. He has been associated with a number of important cases, among which his defense in the famous Zoldoske poisoning case may be mentioned; beaten in the courts, he promptly carried his case to the executive, and after three unsuccessful applications finally succeeded in obtaining a full pardon for his client.

Mr. Bancroft has served two years as district attorney for Richland county and five years as city attorney for the city of Richland Center, and in 1897 was appointed county judge for the full term of four years, which position he now holds.

In politics he is a republican, and, having served his party on the stump in every campaign since 1886, under the direction of the state and national committees, he enjoys a wide reputation as a public speaker and is considered one of the most eloquent men in the state.

Mr. Bancroft became a member of the Masonic fraternity in 1882 and of the Knights of Pythias in 1894. He was married in 1890 to Miss Myrtle DeLap, daughter of Dr. R. H. DeLap, formerly a member

of the state legislature and one of the leading citizens of the county.

Acknowledged one of the leading attorneys of the state, his position has been won by remarkable energy and acknowledged ability. His practice, already one of the most lucrative and extensive in southwestern Wisconsin, is yearly increasing.

J. ALLEN BARBER.

Joel Allen Barber was born at Georgia, Franklin county, Vermont, January 17, 1809; he was "raised on a farm" until his eighteenth year, when he entered the Georgia academy to fit for college; in 1829 he entered the university of Vermont, but did not complete the course, having left at the end of two years and a half; read law at Burlington; taught school two years in Prince George's county, Maryland, and was admitted to the bar there in 1834; returned to Vermont and practiced law at Fairfield until 1837; in September of that year became a resident of Wisconsin, settling at Lancaster, Grant county, where he resided all his subsequent life.

In 1846 Mr. Barber was elected a member of the constitutional convention and served that body as a member of the committee on the organization and functions of the judiciary. "He was an able, industrious member, and performed valuable services." In 1852, 1853, 1863 and 1864 he was member of the assembly, and speaker in 1863; in 1856 and 1857 he was state senator; in 1860 he was chosen presidential elector on the republican ticket; he served two terms as member of Congress, beginning March 4, 1871; his committee assignments were on war claims and revision of the statutes. Besides holding these important positions Mr. Barber served in numerous local offices—five years as chairman of the county board; four years as county clerk; six years as district attorney.

Mr. Barber was at one time associated with Nelson Dewey as a partner and later with George Clementson. His death occurred at his home June 28, 1881.

As a lawyer Mr. Barber was highly regarded for the soundness of his judgment and the uprightness of his character. His knowledge of legal principles was broad and he was able to apply them to questions

as they arose. He possessed in an unusual degree the confidence of all classes of people in the southwestern section of the state, and never betrayed or forfeited that confidence in any degree. He was a most worthy man, of noble carriage and rare attainment. His abilities fitted him for any office in the gift of the people. Though constantly honored, he never sought office, and detested the "office seeker." In habits he was clean and correct, of unswerving honesty, and early won and held the lasting esteem of good citizens.

LORENZO BEVENS.

Mr. Bevens was born in the state of New York in 1805. "He had studied law and been admitted to the bar, and was a lawyer of moderate abilities, but his self-reliance stood him in stead of a better knowledge of the law." He settled in Grant county, Wisconsin, before 1836, and during the later years of his life resided at Platteville; was a member of the first constitutional convention, and served in that body as chairman of the committee on municipal corporations. "He was a gentleman of pleasing address, highly cultivated, possessed of decided abilities, and ever commanded the respect of his associates and friends." This estimate of him is from the Fathers of Wisconsin. Moses M. Strong's measure of the man is not quite so large: "He possessed a pleasing address and cultivated manners, and commanded the respect of his associates." His death occurred at Platteville in 1849.

WILLIAM R. BIDDLECOME.

William Roselle Biddlecome was born in Oneida county, New York, November 27, 1820. His father was a Universalist minister and a farmer, and lived near Utica. He gave his son a good education, which was chiefly acquired at the Clinton Liberal institute in Oneida county, and at Union college, in Schenectady. At the institute he received a preliminary education and such collegiate instruction as fitted him to enter the junior class of Union college, which he did in 1841. He was graduated with his class in 1843, with high honors, and it was said he would have received the highest, but that he was compelled to absent himself from college during several weeks at the close

of his course. After receiving his degree he went to Virginia and took charge of Prince George academy, and there spent two years in teaching and at the same time devoting his leisure hours to the study of law.

In the fall of 1845 he came to Chicago, intending to practice law in that city, and was there admitted to the bar. This purpose he abandoned, and in December of that year he went to Potosi, in Grant county, which was then one of the most prosperous towns in the lead mines, and there commenced the practice of law with Orsamus Cole, who went there about the same time, under the firm name of Cole & Biddlecome. The firm was also associated in the practice of their profession at Platteville with Ben C. Eastman, under the firm of Eastman, Cole & Biddlecome. Mr. Biddlecome continued his practice with these two firms until December, 1852, when he removed to St. Louis, Missouri.

In St. Louis he confined himself almost exclusively to insurance law, in which he was very proficient, and soon acquired a large and lucrative practice. In the fall of 1859 his health gave way and he went to Florida, in the hope that a few months' rest would re-establish it, but his hope was not realized, and he died at St. Augustine, March 6, 1860. In 1850 Mr. Biddlecome was elected a member of the assembly from Grant county, and served during the session of 1851. He was a lawyer of far more than ordinary abilities, and if his life had been spared he would have stood at the head of his profession at any bar.

THOMAS P. BURNETT.

Thomas Pendleton Burnett was born in Pittsylvania county, Virginia, September 3, 1800. He received an academic education and settled in Paris, Kentucky, where he entered upon the practice of his profession. In 1829 he was appointed by President Jackson sub-Indian agent at Prairie du Chien, and in that or the following year located there and entered upon the practice of the law; his residence continued there until 1837, and he held the position of agent until 1834. In 1835 he was appointed by Governor Mason, of Michigan territory, district attorney for the counties of Crawford, Iowa, Dubuque and Des Moines, but shortly resigned. He was elected in October, 1835, to the legis-

lative council of Michigan territory, and was chosen president of that body. He was elected by Crawford county to the council of the first legislative assembly of Wisconsin territory, but was not admitted to the seat he claimed for the reason that in the apportionment made by Governor Dodge Crawford county was allowed two members of the house of representatives, but was not allowed a member of the council, or upper house. During this first session Governor Dodge nominated Mr. Burnett as district attorney of Crawford county. The nomination was confirmed by the council, but Burnett refused to accept the place, on the ground that the council was not legally organized and that his appointment consequently amounted to naught. Upon the organization of the territorial supreme court Mr. Burnett was appointed official reporter, holding the position until his death in 1846.

In 1837 he removed from Prairie du Chien to Grant county, finally settling on a farm in Mount Hope, on the military road between Fort Crawford and Fort Winnebago. He embellished the place and called it "The Hermitage." The winter of 1844-45, and again the succeeding year, he served as a member of the legislature from Grant county, and was chosen a representative from that county to the constitutional convention of 1846. He served for about three weeks in this body as a member of the committee on corporations, when he was called home by intelligence of the alarming illness of his wife. Contracting the disease from which she was suffering, typhoid fever, he died on November 5th. Mrs. Burnett died the same day. His aged mother had succumbed to the same malady on the 1st of the month.

Mr. Burnett's work as reporter of the supreme court covered the written opinions filed during the years 1839, 1840, 1842 and 1843. These were originally published with the volumes of the session laws in order that they might be accessible to the profession. In 1844 there was published a volume of 237 pages, containing the opinions filed in 1842 and 1843, but those previously filed were not published therein. All the cases reported by Burnett are now accessible in Pinney's reports and in much better condition for use than as they were originally published.

Mr. Burnett argued not a few cases in the supreme court of the ter-

ritory, indicating, as is said of him in the preface to volume I Pinney's reports, that "he was one of the most prominent and successful members of the territorial bar, an excellent lawyer, and always zealous and indefatigable in the cause of his clients. At the time of his death he was one of the most promising men in this territory, and an honorable and successful career seemed open before him."

JOHN G. CLARK.

Few men have had a more varied career than John G. Clark, of Lancaster, Grant county. He has been a school teacher, miner, surveyor, legislator, soldier, lawyer and judge. The battles of his early life with poverty were long and to a less brave heart would have been discouraging. He manifested then, as ever since, a heroism truly noble, and has built up a character which commands the respect of all who know him.

John Garven Clark was born July 31, 1825, near Jacksonville, Illinois. So far as the means earned by working on farms at seven dollars per month would allow, he attended such schools as were in that neighborhood, and, at a later period, those in the neighborhood of his family's residence in Missouri, to which state they removed in 1837 and located at Philadelphia in Marion county. By his own industry Mr. Clark secured means to attend Marion college, in Missouri, for a time; in 1845 he entered the Illinois college, and was graduated therefrom in 1847 with the degree of B. A. While a student there he boarded himself and paid his expenses with funds he earned in part then and after locating permanently in Wisconsin.

Mr. Clark came to Wisconsin in 1837 first and returned in 1847 and at once engaged in lead mining in the vicinity of Hazel Green, Grant county. From 1849 to 1853 he was government surveyor in Wisconsin, Minnesota, Iowa and Missouri. In the winter of 1850-51 he taught school at Lancaster, Wisconsin. In 1853 he was deputy clerk of the Grant county circuit court; the following year he was elected clerk, and was twice re-elected for terms of two years each. During the time he held that office he qualified himself for admission

to the bar, and was admitted in 1861. During that year he served as a member of the assembly.

Mr. Clark went into camp with company C, second Wisconsin; a special session of the legislature being called, it became necessary for him to attend it; hence, his connection with that regiment ceased. Soon after the close of that session he became assistant commissary general of Wisconsin. He did not hold that position long, but became first lieutenant and quartermaster of the fifth Wisconsin, holding those commissions until 1863, when he was appointed provost marshal of the third Wisconsin district with the rank of captain. In February, 1865, he was commissioned colonel of the fiftieth Wisconsin and served as such until he was mustered out in 1866. That regiment was stationed in southwestern Missouri for a time, and afterward on the plains among the Sioux Indians. The fifth Wisconsin, while Mr. Clark was with it, participated in the battle of Williamsburg, in the battles fought in the vicinity of Richmond in 1862, and in those of Antietam, Fredericksburg and Chancellorsville.

Owing to the long service given by Mr. Clark to his country, he did not enter upon the active practice of the law until 1867, when he opened an office in Lancaster. Business came to him and he gave it his best attention. Fidelity to his clients and careful preparation of their cases for trial brought him a desirable class of business, which increased in volume as the years went by. Colonel Clark continued in active practice until 1890, when President Harrison appointed him an associate justice of the supreme court of Oklahoma, a position he held about three years. In that capacity he performed a large amount of work; so much so that his labors impaired his health. On ceasing to hold that office he returned to Lancaster and subsequently resumed practice with his former partner, S. H. Taylor, the firm style being Clark & Taylor.

Politically Judge Clark is and has been a republican, and was in at the birth of that party and took, as early as 1858, a very active part in creating it.

For many years he has been a member of the Odd Fellows, and has several times been a representative in the sovereign grand lodge of that

organization. He has also been a Mason for a long time and has filled the office of master for twelve or thirteen years and one term as grand warden.

In February, 1852, Mr. Clark married Miss Minerva A. Pepper, of Lancaster; they have a son and a daughter.

AMASA COBB.

Amasa Cobb was born in Crawford county, Illinois, September 27, 1823; was educated in the common schools of that vicinity; came to Wisconsin in 1842 and engaged in lead mining; served as a private during the Mexican war; admitted to the bar and began his practice at Mineral Point; in 1850 elected district attorney of Iowa county and re-elected in 1852; was state senator in 1855 and 1856; adjutant general from 1855 to 1858; member of assembly in 1860 and 1861, and speaker in latter year. Raised the fifth Wisconsin regiment, became its colonel and went into the service; while in the army was elected a member of Congress, and resigned his commission as colonel; was three times re-elected to Congress. During the recess of Congress in 1864 he raised the forty-third regiment and served as its colonel until the close of the war. On recommendation of General Hancock Colonel Cobb was brevetted brigadier general for special gallantry at the battle of Williamsburg.

At the close of his congressional service General Cobb removed to Nebraska and located at Lincoln; he entered on the practice of his profession and became interested in banking. In 1878 he became, by appointment, a judge of the supreme court, and by repeated elections continued a member of that body until January, 1892, becoming chief justice.

Mr. Cobb, while in Wisconsin, as his career indicates, made many friends, and so conducted himself as a private citizen and public servant as to gain and hold the confidence of the people of the southwestern part of the state. His abilities were quite moderate; as a speaker he was not capable of eloquence, but was quiet and conversational in his style of address. His opinions in the Nebraska reports are generally brief and without pretense of learning or great research. His strength

lay in his capacity for affairs and in the confidence of the people in the soundness of his judgment and the uprightness of his purposes.

NELSON DEWEY.

The first governor of the state of Wisconsin was born in the town of Lebanon, Connecticut, December 19, 1813; in 1814 his parents removed to Butternuts, Oswego county, New York, where his youthful days were passed upon a farm; at sixteen he went to Hamilton academy, where he remained three years. He came to Wisconsin soon after it was organized as a territory, and settled in what is now Grant county; he was register of deeds there in 1837; was a member of the territorial house of representatives in 1839, 1840, 1841 and 1842, and speaker at the extra session held in August, 1840; was a member of the legislative council in 1842, 1843, 1845 and 1846, and president of that body the latter year. He was the first governor of the state, having been elected May 8, 1848, and re-elected in 1849; his service in that office covered the period from June 7, 1848, to January 5, 1852. In 1854 and 1855 he was state senator and for a number of years one of the commissioners of the state prison. His opponent in the campaign for state senator was Orsamus Cole, who lacked four votes of being elected.

Mr. Dewey "read law" with his father, Ebenezer, for a time, and completed his legal studies in the office of Samuel Bowne at Coopers-town, New York. In 1840 he formed a law partnership with J. Allen Barber, at Lancaster, which became one of the best known firms in the state. As a lawyer Governor Dewey ranked high. For many years he retired from active practice, but during the last years of his life, when financial disasters overtook and misfortunes assailed him, he returned to the practice of his profession.

"For over half a century he wrought, as one of the living foundation stones upon which our commonwealth is builded. He was a modest, quiet man, plain and simple in his tastes and habits; always kind, unassuming and courteous, and in all the trials and temptations of a long and varied life stood, with heroic fortitude, nobly erect, calm, dignified, self-contained, self-respecting."

During his first term as governor Mr. Dewey married Kate Dunn,

daughter of Charles Dunn, the territorial chief justice. Mrs. Dunn died at Washington, D. C., March 16, 1897.

BEN C. EASTMAN.

Ben C. Eastman was born in Maine, October 24, 1812. He received an excellent scholastic education, and commenced the study of law with Judge Emmons, of Hallowell, and subsequently completed his studies in New York city. He emigrated to Wisconsin in 1839, and located temporarily at Green Bay, where his name appears enrolled among the attorneys of Brown county, in October of that year. He remained there but a short time when he removed to Platteville, which he made his permanent home, and where he continued to reside during his short life. He very soon acquired an extensive practice and took that high rank at the bar to which his talents, education, thorough knowledge of legal principles, ability as an advocate, industry, perseverance and zeal so justly entitled him. He was recognized as the leading lawyer of the Grant county bar. His practice was not, however, confined to that county, but he was employed extensively in Crawford and Iowa counties. As a business man he was prompt, honorable and exact, and matters of large magnitude were entrusted to his care, his attention to which gave entire satisfaction to his clients. He was prudent, but not sordid; generous, but not extravagant or wasteful, and with excellent judgment and foresight he made such investments of his professional income that before his death he contemplated withdrawing from the profession to enjoy that quiet and seclusion for which he often expressed a desire, and which he could have done with a handsome competency. But it was otherwise ordered, and he died while still in the midst of an active professional career.

In December, 1843, he was elected secretary of the council in the territorial legislature, and was re-elected at each of the two next succeeding sessions, but after two weeks' service, at the session of 1846, he resigned on the 19th of January to attend to his professional engagements. In 1848 he was candidate, with three others, in a judicial race—free for all—for the first judgeship of the fifth circuit, in which Mortimer M. Jackson was the winner. In 1850, when Wiscon-

sin had but three members, Mr. Eastman was elected as a representative in Congress from the second district, and was re-elected in 1852 and served four years, with credit to himself and with honor to the state.

His figure was tall, erect and manly, neither lean nor portly, but well-fashioned, while his features, although somewhat sharp, were pleasant and attractive. His manners were polite and courteous and he won the respect and esteem of a large circle of admiring friends.

His last illness extended over a period of about three months, and was attended with much suffering and terminated in his death on the 2d of February, 1856, before he had yet reached the age of 44.

DANIEL G. FENTON.

Daniel G. Fenton was born in New Jersey, in 1810, was educated in Pennsylvania, and in 1836 came to Wisconsin. He first located at Mineral Point, as a lawyer, and after a short time removed to Prairie du Chien, where he continued the practice of his profession until the time of his death. He was clerk of the court from 1840 until 1849. He was a member of the convention which framed the existing constitution of the state, to which his name is affixed. In 1848 he was elected a member of the state senate from an odd-numbered district, and his term, as provided by the constitution, expired on the first Monday of January, 1849. He was judge of probate from 1849 until he died. He was an influential citizen of his county and took an active part in its political affairs. He died August 11, 1851.

GEORGE L. FROST.

George Lombard Frost was the son of an eminent physician of Springfield, Massachusetts, at which place he was born March 18, 1830. His education, both classical and legal, was of the very highest order. After a very thorough preparatory course at Williston academy, Easthampton, Massachusetts, where he was graduated in June, 1846, he was during the same year matriculated in Yale college, and there pursued the full course of the standard of study required of students in that celebrated institution, for the period of four years, and in 1850 the de-

gree of bachelor of arts was conferred upon him, and he was well prepared to erect the structure of his professional education upon the broad and solid foundation which he had built so well. The same care which had been devoted to his scholastic education was taken with his professional education, and he entered the law department of Harvard university and there, in 1852, completed his legal education, which was as thorough and perfect as the best of instruction and close application could make it.

In 1853 Mr. Frost removed to Wisconsin and first settled at Mineral Point, where he resided more than fifteen years, when, the county seat having been removed to Dodgeville and his family relations greatly changed by the death of his wife, he changed his residence to the new county seat. He continued in the uninterrupted practice of his profession in Iowa county from 1853 until the time of his death.

Mr. Frost had not only acquired a superior education, but he possessed native talents of a high order, and was endowed with a brilliant genius, consequently his forensic efforts were clear, intelligent and forcible. He possessed a logical mind and his arguments were a combination of sound reasoning and ornate eloquence. He never spoke long, but always to the point, and what he said was always intelligible to the commonest understanding.

In 1854 he was elected district attorney for Iowa county. In 1862 he was elected state senator, which office he filled during the years 1863 and 1864. He was a candidate for circuit judge in 1864, but was not elected. He was superintendent of public schools in Mineral Point in 1862, and in 1878, after his removal to Dodgeville, he was elected to the assembly, and was in the discharge of his duties at the time of his death.

Mr. Frost was eminently of a social disposition, and it would be agreeable to pass in silence the fact that his excessive indulgence in conviviality very seriously marred his usefulness and his fame, but it is a pleasure to say that for a few of the latter years of his life his better judgment had the ascendancy over his appetites, and it was the reasonable hope of his friends that, if his life had been spared, he would have established the permanency of that self-control. He died at his lodg-

ings in the Vilas House, Madison, while the legislature was in session, February 15, 1879.

DENNIS J. GARDNER.

Dennis J. Gardner is a typical western lawyer—able, energetic and versatile, whether engaged in the practice of his profession or in the conduct of the public affairs, which, during his unusually successful career, have been so freely entrusted to him. He was born February 26, 1853, in Platteville, Wisconsin, the son of David and Mary (Murphy) Gardner. His parents were natives of Ireland, but, coming to the United States when very young, they became thoroughly Americanized before reaching maturity.

In early manhood the father interested himself in lead mining, and settling in Platteville in 1842, eventually obtained control of the practical work connected with the extraction of the ore, representing several companies. In 1843, the year succeeding Mr. Gardner's arrival, his future wife became a resident of the place, the marriage taking place in 1844. His father, the grandfather of our subject, was Edward Gardner, and was a teacher of mathematics. Dennis Murphy, the grandfather on the maternal side, a man of good education, was also a native of Ireland, emigrating to the south at an early day and dying of yellow fever at New Orleans in 1840.

Dennis Gardner attended the district school, but, not satisfied with the extent of his educational acquirements there obtained, entered the state normal school at Platteville, graduating therefrom in 1875. His services as a teacher were in prompt demand, the first position which he was called upon to fill being the principalship of the Cassville high school, which was located in the same county (Grant) as his native town. Altogether he taught five years, the scene of his educational labors being Greenwood school in the town of Clifton, Cassville, British Hollow and Platteville. In the meantime he had commenced the study of law with William E. Carter, of Platteville, since so noted as a lawyer and a legislator. Carrying along his legal studies with his work as a teacher, and after spending two years in Mr. Carter's office, Mr. Gardner was admitted to practice before the circuit court in February, 1882.

Opening an office at Platteville during the succeeding month, he conducted his business alone until 1887, when he formed a partnership with J. W. Murphy, under the firm name of Murphy & Gardner. The firm remained unchanged for eight years, when (in 1895) Mr. Murphy withdrew.

About half the period of his practice, therefore, covering a term of sixteen years, has been passed in independent professional work. Of the noteworthy cases in which he has been engaged may be mentioned that of Jones vs. Oates, in which case he was associated with J. W. Murphy, Esq. This case fixed several important questions of state law with reference to elections and in mandamus proceedings. Mr. Gardner was one of the attorneys in the case of Koop vs. Burris. He was for the defense in the suit of the State vs. Jacob and Butler Hoosier, the crime charged being an attempt to poison an entire family, and the proceedings constituting one of the hardest fought battles in the legal history of the county. Another case in the management of which he obtained prominence was that of the State vs. Woodward.

In his younger days Mr. Gardner was an active participant in local military movements, being a member of the Platteville normal guards, famous for its soldierly discipline, which disbanded in 1873. Later, as a firm democrat, he came into unusual prominence and has held nearly all the local offices, from justice of the peace to city attorney. He was president of the first democratic club ever organized in Platteville, and in 1892 was put forth as a candidate for the legislature. He has served as a delegate to several state conventions. He was a member of the convention which nominated George W. Peck for governor and was an alternate to the national convention of 1888 at St. Louis. Mr. Gardner has naturally taken a deep interest in state normal schools, having served upon the board of regents from 1891 to 1896, holding the position of vice president when his term of office expired. He is an authority upon educational, and especially normal school, management. When it is also stated that Mr. Gardner is a director and the vice president of the Platteville state bank the conclusion is patent that he is a man of unusual versatility and of large caliber.

In fact, intense and persistent work, joined to native acumen and

uprightness of purpose and of conduct, are traits of Mr. Gardner's character, which partially account for his substantial standing as a lawyer and a financier. He is especially considered a splendid trial attorney and a brilliant orator, possessing the faculty in a superlative degree of obtaining and retaining the complete confidence of all with whom he comes in contact.

ELIHU B. GOODSSELL.

This representative of the legal confraternity of the state of which he is a native, and who has made his location in Lancaster, was born at Highland, Wisconsin, June 21st, 1860. His father, whose name was similar to his own, and who married Isabel Oaks, had settled in Wisconsin as far back as 1836. He was a mine owner, his chief properties being lead mines in this state, and his consideration among the community was shown in his selection as a member of the first constitutional convention, held at Madison in 1846. For two terms he was a member of the legislature and for a number of years was county commissioner of Iowa county.

The subject of this sketch comes of historical stock. Thomas Goodsell came from Wales about 1678, and settled in Branford, Connecticut, in 1679. There he married, in 1684, Sarah, daughter of Samuel Hemingway, and among their children was one John, born December 21st, 1705, who married on the 20th day of July, 1725, Mary Lewis, daughter of James Lewis, and died in Greenfield, Connecticut, December 26th, 1763. He graduated from Yale college in 1724, and was ordained first pastor of Greenfield May 18th, 1726. Among the latter's children was another John, born April 14th, 1730, and baptized in Greenfield, April 19th, 1730. He married, first, Sarah Bradley, who died August 27th, 1755, and, second, Grace (family name not given). He was a private in Captain Thomas Nash's company, fourth regiment, Connecticut militia, and was killed by the British in the attack on Fairfield, July 7th, 1779. His children were Sarah, born 1749; Mary, 1751; Judson, 1757; Hannah, 1760; Ephraim, baptized July 11th, 1762; Grace, 1764; Rachel, 1768; Abigail, 1770; Phœbe, 1771; Abigail, 1773, and Elihu,

baptized December 8th, 1776. Of these, Ephraim was grandfather of our subject's mother, and Elihu was his father's father. Ancestors on both sides also fought in the revolutionary war.

Elihu B. Goodsell received his earlier education in the village school of his native place, later teaching for five years in the high school there and while so doing, graduating at the Highland high school. At the end of this time, during President Cleveland's administration, he received an appointment in the railroad mail service, remaining there three years and then obtaining a position in the postoffice at Rockford. Determined, however, to make the law his profession, he entered the office and studied for two years at Dodgeville under the well-known Aldro Jenks, graduating at the end of the time, in 1891, from the college of law of the Wisconsin university. At once locating in Lancaster, Mr. Goodsell formed, July 1st of the same year, a partnership with H. Buchner, which was dissolved three years later, and he then entered into his present association with H. W. Brown.

Mr. Goodsell has always been a democrat in his political views. In the spring election of 1897 he secured election as county judge of Grant county, and, while in the preceding year the county had gone republican by seventeen hundred votes, in this election he obtained a democratic majority of fourteen hundred and ninety-eight.

Of secret organizations with which he is associated, he joined the Masons in 1887; became a charter member of the Knights of Pythias in 1892; in the Modern Woodmen he holds the chair of venerable counsel; belongs to the Independent Order of Foresters, the Rathbone Sisters, and the Law Confraternity, Harlan Chapter of Phi Delta Phi of the university of Wisconsin.

Mrs. Goodsell, formerly Lena Oswald, to whom he was married at Lancaster, June 19th, 1895, is a musician of very exceptional abilities. She was formerly a pupil of the Chicago college of music and was later at the New England conservatory of music at Boston. Her husband's tastes, being of a literary order, and both possessed of extremely social dispositions, the congeniality of interests makes their home a very bright and happy one. They are members of the Episcopal church.

GEORGE C. HAZELTON.

George Cochrane Hazelton was born in Chester, Rockingham county, New Hampshire, January 3, 1833; the first sixteen years of his life were passed upon his father's farm; he received an academic and collegiate education, being graduated from Union college in 1858, the means for which were very largely obtained by his own efforts in teaching and by manual labor. He was admitted to the bar at Malone, New York, in 1858. The following five years, except a few months during which he was employed in the treasury department at Washington, were devoted to the practice of the law at Amsterdam and Schenectady, New York. In 1863 he located at Boscobel, Grant county, Wisconsin, and opened a law office; he served as district attorney of that county in 1865-1869; in 1868, 1869, 1870 and 1871 he was state senator, and part of the time president pro tem. of the senate; from 1877 to 1883 he represented the third district in Congress. In his campaign for a fourth term he was beaten by Burr W. Jones. Soon after the close of his congressional career Mr. Hazelton removed to Washington, D. C., where he has continued to reside and practice law. For a time he held a position under the government of the District of Columbia. In connection with John A. Hayward, Mr. Hazelton has prepared two volumes of reports of cases adjudged in the circuit court of the District of Columbia, covering the period from 1840 to 1863.

As an advocate Mr. Hazelton had a pleasing, tactful manner and was possessed of many of the qualities which lead to distinguished success in that direction. He was an effective "stump speaker," and in demand by political managers of other states as well as of his own. As a legislator he was faithful and successful.

JAMES T. HOGAN.

Born June 15th, 1871, on a farm in the town of Hazel Green, Grant county, Wisconsin, this young member of the legal fraternity has already succeeded in making himself very favorably known, and if the promise he gives in the present finds fulfillment he is assured a high place in his profession as the years go by.

He received his education at the common schools and the state normal school at Platteville, Wisconsin, afterwards attending the university of Wisconsin. He decided to enter the legal profession and in 1891 he began the study of law with Thomas L. Cleary, of Platteville, Wisconsin, and later took a full course at the law department of the university of Wisconsin. During his course at the law school he held the position of librarian of the law school and later a position in the law office of Erdall & Swansen, Madison, Wisconsin. He was admitted to the bar at Madison in June, 1893.

Mr. Hogan began the practice of his profession June 26, 1893, in partnership with T. M. Casey. Later he formed a partnership with J. B. Campbell, who was then district attorney of La Fayette county, which partnership continued until January, 1897. He has since the latter date practiced alone and now enjoys a lucrative practice throughout that section.

An unalterable democrat, he has been city attorney of Darlington since 1894. In his religious views Mr. Hogan is a member of the Roman Catholic church.

WILLIAM E. HOWE.

William E. Howe, of Boscobel, the present district attorney of Grant county, is a son of Henry E. and Mary A. Howe, and was born at Monona, Clayton county, Iowa, on the 17th of January, 1851. He spent the early portion of his life in his native town, and after he had exhausted the educational facilities to be found at home he removed to Madison, Wisconsin, to enable him to attend the university of Wisconsin, an institution unrivaled by any in the west. There his thoroughness and brilliancy as a student were rewarded at his graduation in 1873 by receiving first honors in the scientific course. Having previously decided upon his life work, the day after graduating he commenced the study of his profession in the office of J. H. Carpenter, of Madison. His studies under Mr. Carpenter's supervision were supplemented by a regular course at the university law school, and in June, 1874, he was admitted to practice before the state supreme court at Madison.

Mr. Howe first opened an office in St. Louis, Missouri, and during

the two years of his practice in that city was either alone or in partnership with O. B. Givens. On account of ill health he was obliged to remove to a more northerly climate, and in June, 1876, settled at La Crosse, Wisconsin. In August of that year he formed a professional connection with Mills Tourtellotte, the partnership continuing until 1881. From that time until June, 1885, when he removed from the city, he practiced alone. For the succeeding two years Mr. Howe was located at Madison, South Dakota, but on account of sickness was then obliged for a time to abandon his profession. In the spring of 1892 he resumed practice at Boscobel, Wis., which has since been his home and where he has engaged in much important and lucrative litigation.

Since becoming a resident of Wisconsin Mr. Howe has held not a few prominent public positions, both of honor and of profit. While living in La Crosse (1881-1882) he served as police justice of the city, the emoluments of that position amounting to from \$3,000 to \$3,500 per annum. In 1893 and 1894 he was elected city attorney of Boscobel, and in November, 1896, district attorney of Grant county, of which office he is still the incumbent. He has always been a republican and an influential and a popular leader of his party.

On June 23, 1875, Mr. Howe was married to Mary I. Carrier, daughter of T. Carrier, of Boscobel.

JAMES J. HOSKINS.

The subject of this sketch is a native of the village, now city, of Dodgeville, Iowa county, Wisconsin, having been born there June 15, 1849. His parents, John and Elizabeth Hoskins, natives of Camborne, Cornwall, England, emigrated to America in 1837, and came directly to the lead mines, at Dodgeville.

His father immediately engaged in the mining and mercantile business; becoming a member of the old and well-known firm of Hoskins, Thomas & Company, and continuing as a member of such firm up to the time of his death, June 13th, 1851, caused while working in a mine, on what is locally known as the "Lamb Lead," by the falling of a large stone, which overhung the passage to a drift, as Mr. Hoskins was passing, thus crushing him to death.

Young Hoskins was given a common school education in his native village until 1866, when he entered Bryant & Stratton's business college at Chicago, Illinois, where he took a thorough business course. In 1869 he entered Lawrence university, Appleton, Wisconsin, where he was graduated in June, 1874. In the fall of the latter year, although the trend of his mind and his inclination toward the legal profession had been shown long before by his close study of whatever law books he could borrow from his lawyer friends, he entered the department of law, Union University, Albany, New York. His B. L. degree was taken in the spring of 1875, and in the same year he was admitted to the bar at Albany, New York, and later in the same year he took the further examination for admission in Wisconsin.

In the fall of 1875 he opened an office in the village, now city, of Dodgeville, and has continued to practice there ever since. With the exception of two years, from 1887 to 1889, when he formed a copartnership with M. J. Briggs, under the firm name of Briggs & Hoskins, he has had no associate. His practice, though extensive and varied in its character, has not carried him into cases of special interest or which acquired any national or state importance.

He has been simply an energetic and persevering attorney, whose earnestness and absolute fidelity to the interests of whatever cases he undertook gained the confidence and respect of every one with whom he was brought into contact. In 1880 he was appointed court commissioner and held that office continuously until 1889. He was city attorney for two terms and has served several times as a member of the county board of supervisors and of the city council. He was also for several years officially connected with the Iowa county agricultural society as its treasurer and secretary.

Mr. Hoskins has not confined himself exclusively to the legal profession. He retained his interests in the Hoskins, Thomas & Company mercantile and smelting company and also in the Bennett, George & Company smelting company when the former was merged into the latter, and also in the succeeding firm of Bennett & Hoskins smelting company until it ceased doing business in 1890. He has also been a large dealer in real estate, being interested for several years in a large

tract of pine land at and in the vicinity of Auburndale, Wood county, Wisconsin; and, in fact, is at the present time one of the largest realty holders in Iowa county.

In politics Mr. Hoskins is an ardent republican and during every political campaign since 1876, both national and state, he has never failed to contribute a large share of his time to the advancement of his party's principles and the election of his party's representatives. In the campaign of 1880 he was chairman of the republican county committee.

In religion Mr. Hoskins describes himself as a liberalist, belonging to no particular church, or a devotee to any particular creed, but contributing to the support of all.

Mr. Hoskins is a Free Mason, having joined that order in 1876, and is a member of Dodgeville lodge, No. 119, and Iowa chapter, No. 6, R. A. M., Mineral Point, Wisconsin. He has filled every office of the blue lodge, except that of tyler, and represented his lodge as a delegate to the grand lodge.

Mr. Hoskins married Cory A. Schell, September 11th, 1889, and resides in the old homestead, built by his father in the summer of 1845. They have one child, Eunice S., born November 27th, 1890.

JAMES H. KNOWLTON.

James H. Knowlton was born at Canandaigua, New York, August 22, 1813. His early educational advantages were extremely limited, but were improved to the utmost. So far as is known he first studied law after he had attained the age of twenty-six, at which time he first came to Wisconsin. His first location, at Janesville, was for a brief time, whence he removed to Mineral Point, and soon afterward to Shullsburg. Here he studied law, was admitted to the bar and practiced until 1856, when he became a resident of Janesville again, and remained there in practice until 1861, when he removed to Chicago, engaged in the practice of the law and so continued until his last illness.

He was the first probate judge of La Fayette county; was an unsuccessful candidate for associate justice of the supreme court after its separate organization was provided for; was a member of the assembly from La Fayette county in 1854 and 1856; a presidential elector from

the state at large in 1856, and in 1858 a member of the assembly from Rock county. He was engaged in the notable case of *Hungerford vs. Caleb Cushing, et al.*, involving the property at the Falls of St. Croix in this state, and was, with Jonathan E. Arnold, counsel for Judge Hubbell, in the impeachment trial of the latter in 1853.

After making a reputation in Wisconsin he went to Chicago some time before the great fire in that city, in which he lost his library. He had but little success there, and, after a long illness, died January 29, 1879. He left no children and his wife survived him but a short time.

It has been said of Mr. Knowlton by one who knew him well that his career furnishes a remarkable illustration of the effects of the mere force of industrious application to professional pursuits. Although his natural intellect was of an average standard, it was not extraordinary; while his education was not of a pre-eminent order, yet his industrious habits were remarkable, and the result was the attainment of a professional standing which gave him a high rank among the lawyers of Wisconsin.

Of his labors as a member of the legislature it has been said that at the extra session in 1856 he was chairman of a committee to draft a bill for the disposition of the lands granted by Congress to aid in the construction of railroads. He was also a member of the legislature in 1858 and took charge of the investigation into alleged bribery in the disposition of the grant. Without doubt the successful result of this investigation was owing largely to his persistent and laborious work upon the committee. To accomplish the full purpose of the investigation it was necessary to provide additional laws to compel the attendance of witnesses and to compel them to testify. He was obliged to frame a mode of procedure, to get up interrogatories, to supply forms of commitment for contempt in cases of refusals of witnesses to answer, after commitment to attend, and argue and defend applications for the writ of habeas corpus, and, at the same time, keep his attention on the committee work proper. His labor during this investigation was most exhausting, but he proved equal to the task.

During twenty years Mr. Knowlton had the largest practice in the fifth circuit. In addressing the court or the jury his style was plain,

natural and easy, straightforward, strong and dignified. He was sometimes lofty in his speeches, but used no borrowed phrases and had but little imagination. He was a case winner, though there was nothing in his manner to fascinate the jury, and everything to displease a judge. He was at times offensively dictatorial to the court and would inferentially inform the judge that he was ignorant of the law. He rarely smiled, and his attempts at humor were grewsome failures.

Mr. Knowlton was ungainly in person and awkward in his walk. He was honest, confiding, and a pleasant companion. He was a good musician and often, when he had a perplexing case, would sit astride a trunk and play hour after hour on the violin. When worn out he has been known to go into a tin-shop and sleep with the clatter of tinner's tools as a lullaby.

Reed's Bench and Bar is authority for the statement that Mr. Knowlton, in his will, made in 1875 and bequeathing about \$3,000, used this language: "I have labored too continuously for others and neglected the collection of many demands justly due me. The result is evidenced by my estate. Sickness and disease have, the greater portion of my life, attended me with great fidelity and I have suffered much from pain. That will cease; when it does, I urgently request that no prayer be made, and that no sermon be preached or delivered over my remains by any one who professes to believe that there is an all-wise, all-powerful and infinitely just Being who now is, and always has been, abundantly able to prevent human suffering and all wrong-doing, but who does nothing, and never has done anything, to stay or diminish either."

JAMES H. LOCKWOOD.

The earliest permanent resident of Wisconsin who was admitted to the bar and practiced law, was James H. Lockwood, of Prairie du Chien. He was born in Peru, Clinton county, New York, December 7, 1793. He lived with his father there and at other places in the vicinity, and worked on a farm until he was sixteen years old, his only educational advantages being the common schools, which he attended alternately with his work on his father's farm, until he was seventeen years of age, when

he commenced the study of law. He did not pursue his law studies very long before he concluded that he "should never make a great lawyer," and abandoned them, as he then supposed forever, and sought and obtained a situation as a merchant's clerk. His employer was a sutler in the army, and as a result of that employment he went immediately after the war of 1812-15 up the lakes to Mackinac, where he taught school during the winter of 1815-16. The next year he visited Green Bay with the first American troops that went there to establish a garrison, and he became engaged in the Indian trade. In September, 1816, he arrived at Prairie du Chien, but, still trading with the Sioux Indians, he did not make that his permanent residence until the fall of 1819.

Upon the organization of Crawford county in 1819 Mr. Lockwood was tendered the appointment of probate judge, but declined it, accepting that of justice of the peace. During the winter of 1823-24 he resumed the study of law under Judge Doty, who had recently arrived there as "additional judge," and spent the winter and spring there and gave to Mr. Lockwood the benefit of his library. There was then no lawyer in Crawford or Brown counties, and at the first court at Prairie du Chien in May, 1824, he was admitted as an attorney and appointed prosecuting attorney and attended the courts there and in Brown and Mackinac counties. In 1824 he was appointed postmaster, and continued to practice law in connection with his mercantile pursuits for many years. He was elected a member of the house of representatives in the first territorial legislature, which met at Belmont in 1836. He died at Prairie du Chien, August 24, 1857, enjoying the friendship and esteem of all who knew him.

HENRY S. MAGOON.

Henry Sterling Magoon was born in what is now the township of Monticello, La Fayette county, Wisconsin, January 31, 1832; he was educated at Mount Morris seminary in Illinois and the Western Military college at Drennon, Kentucky, graduating from the latter with the highest honors of his class in June, 1853; subsequently he attended the Montrose law school at Frankfort, Kentucky; in 1855 he was professor

of ancient languages in the Nashville university, Tennessee; in 1857 he returned to Wisconsin and began the practice of the law at Shullsburg, where he remained until 1864, when he removed to Darlington, to which place the county seat had been transferred.

In 1859 and 1860 Mr. Magoon was district attorney of La Fayette county; was state senator in 1871 and 1872, serving as chairman of the joint legislative committee appointed to investigate charges of improper conduct in connection with the passage of the Dalles bill; in 1874 he was elected to Congress, being the first man born in Wisconsin to represent it there. He was not renominated, and at the close of his term resumed the practice of his profession in Darlington. In September, 1886, he removed his family to Milwaukee and entered upon the practice of his profession. Before much success came to him in his new location he was called home, his death occurring March 3, 1889.

GEORGE A. MARSHALL.

Another of the older brigade of the Wisconsin legal confraternity is the subject of the present sketch, a prominent and honored citizen and an able lawyer of Darlington, whose place of birth was Northumberland, New Hampshire, and the date February 17th, 1836. His father, Caleb Marshall, a farmer by occupation, was a native of New Hampshire, where he was born in 1782. His grandfather held a commission as lieutenant in the revolutionary war, while his grandmother was a niece of the famous General Putnam. The wife of Caleb Marshall was Laura Franklin Waters, whose father, Henry, married Mary Franklin, a niece of the great Benjamin Franklin.

As the family were living in a remote portion of New Hampshire educational advantages were hard to obtain. The good mother of the subject of this sketch, however, refused to permit her son to be deprived of such an essential to his future well being, and herself arranged and held regular school sessions for him and his brothers and sisters. In this manner, having been excellently grounded, young Marshall was fitted later to benefit by the instruction of the New England academy, following which he attended the university at Burlington, Vermont,

where, in 1861, he was graduated. Afterwards, in 1864, having taken a general classical course, he received the degree of M. A.

His schooling completed, the mind of the young man was strongly bent on becoming a lawyer, and though on leaving Vermont he was able, through the influence of J. P. C. Cottrill, of Milwaukee, to secure the position of principal in the high school at Sheboygan, he only retained the place for one term. Resigning, he studied law with the firm of Ellis & Jones, and with such diligence and attention that on June 9th, 1862, after examination by Judge Taylor, he obtained his license to practice. Shortly afterwards he moved to Galena, Illinois, where his profession was practiced until 1867, when he settled in Darlington, Wisconsin. Alone until 1881, a partnership was then formed with P. H. Conley, but was dissolved in 1887, and since that time Mr. Marshall has been alone.

Recognizing the necessity of having the records of titles to real estate in the best possible condition, in 1871 he began the work of making a set of abstract books of La Fayette county, and such of his time and attention as could be spared from his professional duties has since been devoted to that work.

In his politics he has always been a republican and has at all times held the entire confidence of his party. In 1868 he was elected district attorney of La Fayette county, and was chosen for two years as county superintendent of schools in 1871.

Mr. Marshall is an honored member of several secret societies. He joined the Odd Fellows as far back as 1863 and for a number of years was delegate to grand lodge; is a charter member of the Darlington lodge of the Knights of Pythias, was elected first chancellor commander and has been delegate to grand lodge. He joined the Ancient Order of United Workmen in 1879, became a member of the Masonic body in 1882 and of the Modern Woodmen in 1883.

Married at Waukesha, Wisconsin, November 20th, 1862, to Miriam H. Cutler, a native of Vermont, his wife is a relative of Colonel Sidney Bean, who was killed at Port Hudson in the war of the rebellion, and also of Irving Bean, present collector of Milwaukee. They have two children, a son, Francis C., lieutenant sixth cavalry, United States

army, who is now commandant of cadets in the Danville Military institute at Danville, Virginia, and a daughter, Mary F., who is living at home. Lieutenant Marshall is married to the daughter of Colonel Page, third United States infantry.

Of the Protestant Episcopal church of Darlington, which was established by him, Mr. Marshall is an active member. In his tastes eminently literary, he has, since he left college, done much work of merit. The theosophical society was joined by him in 1889 and he has not merely made a thorough study of its literature, but has also contributed largely to its magazines.

H. C. MARTIN.

Harry Chapman Martin is an American by birth and a native of Wisconsin, having been born in Darlington, December 15th, 1854. Several of his ancestors fought in the revolutionary war. He is the son of Alvin C. Martin and Adelia (Chapman) Martin. His father was born in Derby, Vermont, and his mother in Boston, Massachusetts. They came from their home in Rumney, New Hampshire, to Darlington, Wisconsin, in 1854, where they are still living.

The subject of this sketch received his early education in the schools of Darlington, afterwards prepared for college with Judge Mills, of Lancaster, Wisconsin, and after teaching school for one year in DeKalb county, Illinois, entered the university of Wisconsin in 1876, graduating therefrom with the class of 1879.

Almost immediately upon his return home he entered the law office of J. R. & D. S. Rose, and later studied law in the office of Henry S. Magoon. He was admitted to the bar in the circuit court of La Fayette county in 1881 by Judge M. M. Cothren and by the supreme court very soon thereafter.

A partnership was formed with Henry S. Magoon immediately after his admission to the bar, but was continued only for a few months; in 1887 he formed a copartnership with R. J. Wilson, a connection which has been continued with mutual satisfaction and very great success up to the present time, the firm having been engaged in most of the important litigation in their county since said partnership began.

Mr. Martin served for five years in company K, first regiment, Wisconsin national guard, receiving an honorable discharge. He served with his company at the time of the riots in Milwaukee, when J. M. Rusk was governor. In his political views he has been an unswerving republican and has held a number of offices which speak both as to his popularity and integrity. About three months after his admission to the bar he was appointed county superintendent of schools and was elected to said office twice thereafter, holding it in all for nearly six years. He was elected mayor of Darlington in 1887 and again in 1888 and thereafter was city attorney for seven years; was elected district attorney of La Fayette county for two years and served for four years as a member of the republican state central committee of Wisconsin and was elected to the assembly in 1895. He has taken an active part on the stump in every political campaign since 1880.

He joined the Masons in 1877 and the Knights of Pythias in 1891; he has held every chair in his lodge of Knights of Pythias and has for four years represented his lodge as delegate to the grand lodge.

He is president of the board of education in said city and has at all times shown himself a public-spirited citizen and has been intimately connected with the business progress of his city and community. He and his family attend the Episcopal church. Mr. Martin was married November 15th, 1882, to Catherine E. Dodge, daughter of General Ammi Dodge and Annie (Dering) Dodge, one of the pioneer families of La Fayette county. They have one daughter, Annie.

GEORGE MULKS.

The resolutions of the Iowa county bar on the death of George Mulks expressed that "he was a good lawyer, an honorable practitioner, a warm-hearted friend, a genial companion, an upright citizen, and an honest man; and if his usefulness was in any manner impaired it was the result of circumstances, generated by the better impulses of his social nature, the promptings of which, restrained by no calculating selfishness, were always marked by kindness, sympathy and love."

Mr. Mulks was born in the state of New York in 1826; came to Wisconsin in 1850, and settled at Shullsburg; studied law there with James

H. Knowlton; was there admitted to the bar and practiced with Mr. Knowlton at Shullsburg and afterwards at Janesville. Being without a family, he changed his location somewhat frequently, having practiced at Eau Claire and Hudson before 1861, when he was employed by Amasa Cobb to take charge of his law business during his absence in the army; he remained at Mineral Point until 1864 in pursuance of that arrangement. In that year he went to Idaho and was one of the first white men at Helena City. In 1868 he returned to Wisconsin and formed a partnership with Samuel W. Reese at Dodgeville, which continued until his death.

Mr. Strong has said of Mr. Mulks that "he was endowed by nature with a genius and possessed of a mind and talents, nurtured by culture and education, which, under favorable circumstances, would have given him rank co-equal with that of the brightest ornaments of the bar of the state." George Mulks was a devotee of his profession purely from a love of it, and not because of the possibilities it furnished for fame or fortune. No employment furnished him with such satisfaction as the investigation of abstruse and doubtful legal propositions, no intercourse with others so enjoyable as the discussion of such propositions. "In the month of February, 1871, he had yielded his judgment to the control of his appetites to such an extent that his mind had, to some extent, lost its balance. On the first day of March he started on a morning walk, as he had frequently done before, from which he never returned. His friends were alarmed for his safety and instituted a search for several days, but all in vain. On the 23d of March his body was found by accident in an unfrequented field. He had removed all his clothing and lain down beside it, as though he supposed he was retiring to bed, and the cold March weather soon, no doubt, destroyed his life."

NATHAN OLMSTED.

Nathan Olmsted, formerly of the La Fayette county bar, was born at Davenport, Delaware county, New York, October 17, 1812. In the autumn of 1837 he came west, remaining over the winter of 1837-38 at Alton, Illinois, and reaching Wisconsin in the spring of 1838. For

two years he resided on a farm in Elk Grove, La Fayette county, and then went to old Belmont, at one time the capital of the territory, where he taught school for a time, after which he bought the Cottage Inn farm, where he resided until his death. In 1846 Mr. Olmsted was appointed justice of the peace by Governor Dodge, which office he held until the time of his death—a period of almost fifty-two years. In 1851 and 1853 he was a member of the assembly from La Fayette county; in 1850 he was appointed postmaster at Cottage Inn; he held that office until it was abolished in 1865. For almost twenty-five years he was a member of the county board, and served nearly half that time as its chairman. He was not admitted to the bar until 1860, and never practiced very extensively, giving his attention mainly to cases in the county court. He became a republican on the organization of that party, and is said to have attended every county convention of it held in La Fayette county; he was also often chosen delegate to state and other conventions. His death occurred April 5, 1898, twenty days after the death of his wife, with whom he had lived sixty-two years.

In all the walks of his long life Mr. Olmsted was universally respected for his integrity, uprightness and urbanity; he was a true friend and a good citizen.

PHILO A. ORTON.

Philo A. Orton, of Darlington, was born March 24th, 1837, at Hamilton, New York, which was also the birthplace of his father, Philo A. Orton. He comes of old English stock, being descended from Thomas Orton, who settled at Windsor, Connecticut, in 1640. In 1800 Judge Orton's grandfather removed from Tyringham, Massachusetts, to Hamilton, which remained the Orton home until 1850, when his father emigrated with his family to Wisconsin, settling first at Beloit and afterwards, in 1855, removing to Darlington, where Judge Orton has since resided.

His mother was Nancy Collins, and was born at Burlington, New York. The family consisted of six sons, all of whom are now living, with the exception of Captain Thomas E. Orton of the third regiment, Wisconsin infantry. At the commencement of Sherman's march to the



P. A. Otton

sea, on July 25th, 1864, before Atlanta, his young life was given for the preservation of the Union. Judge Orton's father was a man distinguished for his high integrity and sterling worth. His culture was broad and his reading extensive. His mother was a woman of strong and noble character. Both were buried from Judge Orton's residence in Darlington.

In 1851 and 1852 Mr. Orton attended Beloit college, which at that time consisted of but a single building, and that but partly finished. In 1856 and 1857 he studied at Madison (now Colgate) university, in his native town of Hamilton. It was his intention to follow the occupation of civil engineer, and his college course was adapted to that purpose, but the panic of 1857 completely paralyzed all efforts at railroad construction, in which he had expected employment. Mr. Orton therefore gave up his original plans and turned his attention to the law, commencing its study in the office of James R. Rose at Darlington. He was admitted to the bar in 1859 and has since continuously practiced law at that place. For thirty years he has been the senior member of the firm of Orton & Osborn, one of the oldest, if not the oldest, of the law firms of the state. C. F. Osborn, the junior partner, is a brother-in-law of Judge Orton, and before associating himself with the latter read law in his office.

Mr. Orton early in his professional career gained an enviable reputation as a strong and conscientious attorney. So great was his success that before reaching his thirtieth year he was considered in the front rank of southwestern Wisconsin lawyers, a division of the bar second to none in the state and including at that time such bright minds as Strong, Dunn, Mills, Cothren, Crawford and others of equal note. His uniform success was, and has always been, merited. It has been the fruit of thorough preparation and untiring effort. Judge Orton delights in work. He never feels better than when fully occupied and thrives under strains to which weaker mentalities and physiques would succumb. Hard work brought him into prominence, and hard work has kept him there. It is but just to say that today he is the leading lawyer of southwest Wisconsin, and one of the ablest to be found in the state.

Judge Orton tries a case thoroughly. He is combative, but within proper limits and in a proper spirit. Withal he is eminently fair and courteous to an opponent, and reasonably expects to receive the just and considerate treatment he accords. His word is considered among his brethren at the bar to be as good as a stipulation in writing, for association with him has taught them that he ever so regards it. The essential honor and integrity of his dealings with his fellow attorneys, his clients and all with whom he comes in contact has been a prime factor in securing for Judge Orton the high professional reputation which he enjoys; it has contributed to the result equally with his recognized superiority of mind.

Before a jury Judge Orton is strong and eminently logical, pursuing his argument methodically, passing rationally from premise to conclusion, and often not only with convincing weight, but with moving eloquence. He is fluent in speech and correct in language, and his extensive reading is frequently shown in the excellent illustrations from the domain of history, science and literature with which he re-enforces his contentions.

Before the court Judge Orton is certain of the respectful and attentive hearing to which his legal attainments and his recognition of the true function of an advocate as the assistant of the judge and not a mere partisan entitle him.

In 1862 and 1863 Mr. Orton was prosecuting attorney of La Fayette county and from 1870 to 1874 filled the office of county judge. During the rebellion he was a war democrat and remained in democratic councils until 1880. He was a candidate for attorney general of the state on the democratic ticket in the fall of 1861, was an independent candidate for circuit judge in 1870 and the democratic candidate for representative in Congress in 1876, but, though he ran well, his personal popularity could not overcome the republican vote and he was defeated. During the last twenty years he has kept out of politics, though taking a lively interest in the cause of good government. In 1880 he voted for Garfield for President and since that date has acted with the republican party.

As a man of liberal education and broad culture Mr. Orton has always felt a keen interest in educational matters. From 1874 to 1877 he was a regent of the state university, and for over twenty years was president of the board of education in his home city.

Not only as an attorney has Judge Orton been active, but, with an excellent business judgment and capacity, he has successfully conducted many financial and commercial enterprises. In August, 1874, he obtained a controlling interest in the La Fayette county bank, which he held until 1882, when he organized the First National bank of Darlington, of which he has always been the president. He is also president of the Benton state bank, at Benton, Wisconsin.

Judge Orton is a charter member of the Delta Kappa Epsilon fraternity at Colgate university. He is a Mason, belonging to the Mineral Point commandery and the Darlington chapter and blue lodge; was for several years master of the Darlington lodge and was deputy grand master of the grand lodge of the state for two years.

He was married January 27th, 1862, to Sara M. Osborn, a daughter of Captain S. W. Osborn of Darlington, and has two children, Susanne Orton, who is a graduate of Rockford college and is now studying medicine in Chicago, and Robert E. Orton, who is bookkeeper in the First National bank of Darlington.

CHARLES F. OSBORN.

Few lawyers in the fifth circuit have had a more varied or successful practice than Charles F. Osborn, the junior member of the firm of Orton & Osborn, of Darlington; and few men anywhere possess or deserve a higher degree of public confidence. Mr. Osborn was born in Ashtabula, Ohio, March 16, 1847. His education, general and professional, was obtained at Darlington, of which he became a resident in 1851, and where he has continued to reside. He has held numerous offices—two terms as county judge, city attorney and mayor, and two terms in the popular branch of the legislature, in 1889 and 1891. He has long been recognized as a lawyer of ability, a careful practitioner, an industrious student and an honorable gentleman.

STEPHEN O. PAINE.

Stephen Olney Paine was born at Chillicothe, Ohio, December 22, 1809. When quite young he removed with his father's family to Quincy, Illinois, where he spent his boyhood and received a very limited education. He devoted the earlier years of his manhood to merchandising at Quincy.

Upon the breaking out of the Blackhawk war, in 1832, he enlisted and in this service visited the region of country that was destined to be his future home.

In the spring of 1837 he removed to Wisconsin and made his permanent residence at Platteville, which continued to be his home for the remainder of his days. He very soon after commenced the study of law at Platteville, with Lorenzo Bevens, and while thus engaged devoted a portion of his personal attention to mining, dividing his time between the law office and the miner's shaft. In 1843 he was admitted to the bar in Grant county, and commenced the practice of his profession at Platteville. He had a very respectable practice, which he continued alone until 1862, when William E. Carter became associated with him as a partner. Mr. Paine commenced the pursuit of the profession too late in life to achieve that success and distinction which would, no doubt, have rewarded his efforts if he had devoted the earlier years of his life to it, but notwithstanding these disadvantages, his rank was far above mediocrity.

In 1853 he was appointed county judge, to fill a vacancy, and the next year was elected for a full term. He held several offices in the state militia, among which were captain, major, judge advocate, with the rank of colonel, and, during the war, was draft commissioner for Grant county. He died at his home in Platteville, October 3, 1870.

JEFFERSON B. SIMPSON.

Jefferson B. Simpson was born June 11, 1859, at Shullsburg, Wisconsin, the town he has since made his home. His parents were P. B. and Mary (Baird) Simpson, the father being an old member of the bar, having settled in Shullsburg in 1847, and there at once commenced the

practice, which was continued until his death, April 28, 1895. He was a man of prominence and was held in universal esteem; for six years, from 1854 to 1862, he had been a member of the state senate, and for one year was in the state assembly. He was chairman of the senate committee on the trial and impeachment of Levi Hubbell. The family was of Scotch-Irish descent, a settlement having been made in this country in 1760, and the immediate ancestor of the subject of this sketch, and four of his brothers, were soldiers in the revolutionary war. The Bairds were of Scotch descent, and had come to the United States in 1720, the family originally owning the land upon which the city of Washington is now built.

Having received a good education in the schools of his native town, Jefferson B. Simpson attended the university of Wisconsin, from which, after taking the full classical course, he graduated in 1879. Having determined to take up his father's profession, he commenced to study law under his direction, and in 1881, having taken the state examination, was admitted to practice. Joining forces at once with his father, the partnership was continued until the latter's death, since which he has practiced alone.

A democrat in his political views, the standing and general estimation in which he was held were shown by his election as president of the village of Shullsburg, when he was but twenty-two years of age. In 1890 he was elected district attorney, an office he filled to the thorough satisfaction of his constituents for one term, and during which he was connected with some very important cases. Among these may be recorded the notorious lynching case in 1891. A murderer was taken from the jail during the noon hour by a mob and strung up to a tree near by. Mr. Simpson arrived on the scene just at that moment and used his utmost endeavors to cut the man down, but was held by the mob until the man was dead. For the outrage, nine men were indicted by the grand jury; but after a hardly-contested trial lasting four weeks, and at a cost of \$12,000 to the county, the accused were discharged. Another case which, at the time, made considerable sensation, was the trial of a Free Methodist preacher for assault on another preacher at a camp meeting. The subject of this sketch represented the latter from

whom, while both parties were laboring under strong religious fervor and excitement, the defendant had, as he himself expressed it, endeavored to drive out the devil. Plaintiff was given three hundred dollars damages.

Mr. Simpson was married November 8, 1888, in his own town, to Luella Allen. They have two children, who are named respectively Allan and Olive, and the happy husband and father, naturally of a home-loving disposition, finds with his wife and children his chiefest pleasure and truest recreation.

For fifteen years he has been a member of the Odd Fellows and for eight years a Knight of Pythias, in both orders having held all the offices. He also belongs, since 1893, to the Modern Woodmen and to the Uniform Division, Lafayette, No. 27. For five years he served in the Wisconsin state guards.

P. B. SIMPSON.

P. B. Simpson came to Shullsburg on July 4, 1847, having left Indiana, where he had practiced law for several years. He was born in Ashtabula county, Ohio, October 13, 1819, but was raised in Jefferson county, New York. He was admitted to the bar from the Cincinnati law college in 1843 and commenced practice in Peru, Indiana. After arriving in Wisconsin he soon became one of the prominent members of the bar; he also took an active part in politics. He was a democrat from his early life and was a personal friend of Stephen A. Douglas, of whom he was a great admirer. He held different village, town and county offices and was a member of the assembly in 1853 and of the senate from 1856 to 1860, being chairman of the judiciary committee in each house while a member. He was a candidate for Congress in 1863, but was defeated by Amasa Cobb by a small majority. As a lawyer he always held a high standing, but became incapacitated from active practice during the last thirty years of his life by deafness, which gradually grew worse as his age advanced. He was a large, dignified and fine-looking man; was strictly honest and highly respected by his neighbors. He was married to Mary A. Baird at Tiffin, Ohio, in September, 1843. She was born in Easton, Pennsylvania, on May 25,

1822, and they had three children, only one of whom, Jefferson B., lived beyond childhood. He took an active part in much of the early mining litigation of that portion of the state and was the chairman of the assembly committee to whom was referred the charges made against Levi Hubbell in the celebrated impeachment proceedings against that judge in 1853.

Mr. Simpson died of appendicitis in Mobile, Alabama, on April 28, 1895, to which city he had taken his wife, who was in poor health. His wife and son yet survive him and reside in Shullsburg, Wisconsin.

J. MONTGOMERY SMITH.

J. Montgomery Smith was born at Bedford Springs, Pennsylvania, on February 26th, 1834. His parents were William R. and Mary (Vandyke) Smith, of whom the first mentioned, also a member of the legal profession, was a native of Philadelphia, who, coming to Wisconsin in 1836, in connection with the Winnebago Indians, was so favorably impressed with the country and its possibilities that two years later he brought his family and settled at Mineral Point. In the preceding year he had assisted Governor Dodge in negotiating the treaty with the Chippewa Indians at Fort Snelling. William R. Smith died in 1868 while on a visit at Quincy, Illinois. He had been appointed adjutant general by Governor Dodge and was a member of the first constitutional convention of Wisconsin.

Having received a common school education at Mineral Point, the subject of this sketch became a victim to the fever for gold and the desire for independence, and went to California in 1852 by land, where he stayed four years. Then returning to Mineral Point, the study of law was begun with his father, who at that period was attorney general; J. H. Clary and Judge Crawford, all of whom were practicing in that town. In 1862, having taken his examination and been admitted to the bar, he went for a time into the office of Judge Crawford, but since that time has always been in business for himself. There have been few important cases in his portion of the country with which he has not been connected. His practice, which has been of the general order, is large and he has at all times been successful.

From his earliest years a strong democrat in his political views, he has taken a prominent part in the working of his party. He was a delegate to the democratic national convention at Cincinnati in 1880, to that of St. Louis in 1888, and in 1892 was elected a presidential elector and voted for Grover Cleveland for President. The estimation in which he was held by his party and the community may be gathered from the numerous public positions he has held. He was justice of the peace in 1862, elected superintendent of schools in 1864, a position he retained for two years; was district attorney from 1868 to 1872; mayor of his city in 1879, 1880 and 1885; city attorney in 1891 and 1892, and a member of the county board in 1892, in which year he was also a member of the legislature. He was appointed member of the southern Ute Indian commission under President Cleveland's first administration and a member of the Chippewa Indian commission during the same President's latter administration.

Mr. Smith was married at Mineral Point in 1862 to Antonia Hildebrand, by whom he had one child, Richard M. She died in 1868, and two years later he married Jennie M. Crawford, of Mineral Point, widow of Judge Crawford of the supreme court, by whom he has one daughter, Etta M., who is the wife of H. N. Laflin, of Milwaukee. His second wife, who was very prominent in all charitable duties and social organizations, was a member of the world's fair commission as alternate to Mrs. Lynde, of Milwaukee. The duties she was called upon to perform and the anxieties attending thereto so affected her health that on her return to her home in 1893 she had an attack of apoplexy, to which she succumbed. Mr. Smith's prominence in business circles and his well recognized ability have found other outcome as well as that entailed upon him by his professional duties. He has been largely interested in mining matters and was formerly interested as a stockholder in the woolen mills at Mineral Point.

WILLIAM R. SMITH.

William Rudolph Smith was born at La Trappe, Montgomery county, Pennsylvania, August 31, 1787; in 1792 his father removed to Philadelphia, where the son was given institutional and private instruc-

tion until 1803, when, as private secretary, he accompanied his father—William Moore Smith—one of the commissioners under the sixth article of Jay's treaty to adjust and settle the demands of the British claimants, to England. While there young Smith began a course of legal study under the direction of a competent teacher, which he continued on his return to America. In 1808 he became a member of the Philadelphia bar, and in 1809 entered upon the practice of his profession in Huntingdon, Pennsylvania. He served as deputy attorney general for Cambria county under appointment from three attorneys general, his first service being rendered in 1811. In the war with Great Britain he was colonel of the sixty-second regiment of the Pennsylvania reserves and was in command when it was ordered to Erie to support General Scott in the movement on Canada. He was in Baltimore during the siege of that city and witnessed the disaster at Bladensburg and the burning of Washington. He served as a member of both branches of the Pennsylvania legislature. In 1828 he removed to Bedford county; his residence there continued until 1836 or 1837, when he was appointed commissioner, in conjunction with Henry Dodge, to treat with the Chippewa Indians for the purchase of their Wisconsin lands. This led to his removal to the west, and in 1838 he settled at Mineral Point, Wisconsin. In 1839 he was appointed by Governor Dodge adjutant general, a position he held about twelve years; he was also district attorney of Iowa county for several years. In 1840 he presided over the first democratic convention held at the seat of government and drafted the address of that body to the electors; in 1846 he was clerk of the legislative council and in the same year was a delegate to the constitutional convention; in 1849 and 1850 he was chief clerk of the senate. In 1852 the legislature authorized General Smith to compile a documentary history of Wisconsin from its earliest settlement to that time. This work was prosecuted with such diligence that it was ready for publication in 1854, and was published by the state. In 1856 and 1857 he served as attorney general, having been elected in 1855. At the expiration of his term, having passed his seventieth year, he retired from active life. His death occurred at Quincy, Illinois, whence he had gone on a visit to a daughter, August 22, 1868.

After his retirement from public life General Smith enjoyed the quiet of his home and the society of his friends. He had touched life at many points; had seen much more of the world than the great majority of his associates among the early settlers. Mr. Reed says in his Bench and Bar that his reminiscences of Washington and the statesmen of his day and many incidents and anecdotes of historical interest were related with dramatic effect. The hands of Washington had rested on his head; he had listened to the reading of the farewell address; he was present in the German Lutheran church in Philadelphia when Major General Lee, by the appointment of Congress, pronounced the funeral oration of Washington, and he was in the theater on the night when the national anthem of "Hail Columbia" was first sung, and was witness to the enthusiasm with which the song was greeted. He had seen every President from Washington to Lincoln.

O. B. THOMAS.

Ormsby Brunson Thomas, of Prairie du Chien, has long been a leading member of the bar of the fifth circuit, and has occupied positions of influence and honor in the state. He was born at Sandgate, Bennington county, Vermont, August 21, 1832. In 1836 his parents came west and settled at Prairie du Chien, where he has resided ever since. His general education was obtained at the common schools and at Burr seminary, Manchester, Vermont; he prepared for admission to the bar at the National law school at Poughkeepsie, New York, whence he was graduated in 1856. In 1857 he entered upon the practice of his profession at Prairie du Chien, which was continued until 1862, in which year he entered the military service as captain of company D, thirty-first Wisconsin infantry. On being mustered out in 1864, at the close of his term of service, he entered into a law partnership with Nicholas Smith, which continued about two years, after which he practiced alone until 1875, when he and Charles S. Fuller became partners and so remained until the latter's death in 1897.

Mr. Thomas has been prominent as a republican ever since he attained his majority. He has served several terms as district attorney of Crawford county; was a member of the assembly in 1862, 1865 and

1867; a presidential elector in 1872; state senator in 1880 and 1881; a member of the house of representatives in the forty-ninth, fiftieth and fifty-first Congresses.

June 5, 1875, Mr. Thomas married Miss Sarah P. Rosencrantz, of Crawford county; her death occurred in 1884. Two children survive her, John and Carrie C.

R. A. WATKINS.

R. A. Watkins is a native of this state, having been born in an old log house on a farm in Grant county, January 15th, 1853. He is the son of Stephen D. and Florinda (Hirst) Watkins, of whom the first named, a farmer by occupation, moved into Lancaster in 1866 and died there two years later. He had settled in Ohio in 1837, when he was about sixteen years old, and there he remained for eight years, then moving into Grant county and for a great many years farming during the summer and teaching schools during the winter. His father, John Watkins, had died in Windsor county, Vermont, about 1829, while the great grandfather of the subject of this sketch had served his country in the revolutionary war.

R. A. Watkins received the ordinary education of the common school in his native town, and whatever has been added to this is the result of his own energy and determination to make a place for himself in the world. The knowledge of law necessary to pass his examination was obtained from Bushnell & Clark, at Lancaster, and in the fall of 1876 he was admitted to practice by Judge Mills of the circuit court during his last term on the bench. For three years he continued his law studies, at the end of that time being offered and accepting a partnership in the firm. Two years later, July, 1892, on the withdrawal of John G. Clark, it became Bushnell & Watkins. Later Mr. Moses became a partner and the firm assumed its present title, Bushnell, Watkins & Moses. A general practice is handled and while Mr. Watkins recalls no case of more than local importance, the number of cases peculiarly interesting to that section of the country has been very large.

A democrat in his political opinions and an earnest worker for his party, Mr. Watkins has neither sought nor held any political preferment. He has been a member of the Masonic body since 1890, and is now junior warden of his lodge.

He was married in 1881 at Lancaster to Ellen M., niece of Colonel Clark and daughter of Charles I. Clark, who then lived in Texas and entered the civil war on the side of the south, though sympathizing with the north, and died in Texas before the organization of his regiment was complete. They have five children, Charles S., Ralph B., Margaret, Ellen and John C. Both Mr. Watkins and his wife are members of the Congregational church.

ALBERT S. WHITE.

Albert S. White was born at Mineral Point, Wisconsin, June 27th, 1868, his parents being Samuel and Mary (Coad) White. Samuel White, who was a lumberman and grain dealer, had accompanied his parents from Cornwall, England, to Wisconsin, about 1840. In 1849 he was, like thousands of others, stricken with the California fever and went to and remained in that state for some time. On his return to Mineral Point that town was again made his home, and there he remained until his decease in 1885.

The subject of this sketch received his education in the high school of his native town. Law was then studied by him under Alexander Wilson, of Mineral Point, and he later attended the law department of Michigan university, at Ann Arbor, Michigan, entering in 1887, and was graduated in 1889. He was admitted to practice before the supreme court of Wisconsin at Madison in the following year. For a short time he resided in Chicago, having obtained a position in the office of the law firm of Miller, Starr & Lehman. The following year, 1891, he went to Sioux City, Iowa, twelve months later returning to his old home at Mineral Point. He opened his present office in 1892 and, as has been stated, carries on a good general practice.

In his political views he belongs to the democratic party and is an unflinching advocate of the free silver doctrine. He was the democratic nominee for district attorney of Iowa county in 1892, but was defeated

for that office; was elected justice of the peace in 1892, and in 1895 city attorney of Mineral Point, and mayor of the city in 1896.

Mr. White was married in September, 1891, at Platteville, Wisconsin, to Mary Lanyon. They have three children, one boy, Cyrus L., and two girls, Shirley M. and Gladys T.

Of secret societies with which he is connected, he joined the Knights of Pythias in 1893, and is a member of Mineral Point division, No. 15, U. R. K. P., having passed through all the chairs and being chosen in 1896 as representative to grand lodge. He joined the Masons in 1895, and is a member of Royal Arch Masons. Mr. White is also an Odd Fellow, a member of Modern Woodmen of America, Independent Order of Foresters, Knights of the Globe, and an honorary member of the Rathbone Sisters, an auxiliary order of the Knights of Pythias.

JOHN K. WILLIAMS.

John K. Williams was born at Smithfield, McKean county, Pennsylvania, and was "brought up on a farm;" his education was acquired in the common schools, and in his early manhood he taught school and read law; his admission to the bar occurred in 1845. In 1846 he left his native state and became a resident of Shullsburg, Wisconsin, then in a high state of prosperity in common with all the lead mining region. He opened an office there, resided there and practiced there until his death. He was especially an office lawyer; though his abilities as an advocate were fair, and if he had cultivated a taste for the conflicts of the forum he would probably have succeeded as an advocate.

During his professional career Mr. Williams discharged the duties of numerous public offices with credit to himself and satisfaction to the public. He was district attorney of La Fayette county immediately after its organization; a member of the assembly in 1850, chief clerk of the senate in 1852 and 1853, clerk of the circuit court in 1855 and 1856, and a member of the board of regents of the state university in 1876 and 1877. His death occurred April 4, 1880.

Another has well said of him that "he carried with him through life a well-deserved reputation for integrity and truth and for fidelity to the court, to the bar, to his clients, to jurors, to witnesses, to society,

and to himself, which was his sure passport not only to professional success, but to the respect and esteem of all good men. He assumed the ever-varying responsibilities of his profession incited by love for its perfection and beauties, respect for its dignity, as well as admiration for the noble army of its votaries whose names are inscribed on the roll of fame, and he entered upon and unfalteringly continued in its practice with studiousness, industry, zeal, patience, perseverance and entire devotion to every duty, controlled in all things by thoughts which were pure, words which were true and deeds which were just; and the reward which he secured was a large measure of success, an honorable distinction in the profession, the good opinion of all who knew him and, of more value than all, the approval of his conscience."

ALEXANDER WILSON.

Alexander Wilson was born at Westfield, Chautauqua county, New York, August, 1833; was graduated from Union college in 1854; after teaching school at Huntley Station, Illinois, in the winter of 1854-55 he went to Dubuque, Iowa, where he read law for a time; in the summer of 1855 he was engaged in surveying public lands in Iowa; in the fall of that year he was admitted to the Dubuque bar, and went from there to Mineral Point, Wisconsin, and taught school in the winter of 1859-60; began the practice of the law there in 1860. He served Mineral Point as superintendent of schools and as a member of the board of education for several years; was district attorney of Iowa county three terms, beginning in 1861; resigned that office in 1867 and became county judge by appointment in December, 1867, and served about two years; was county superintendent of schools in 1864. In 1877 Mr. Wilson was placed on the republican ticket as a candidate for attorney general, the nominee of the convention, William E. Carter, then of Platteville, having declined to become a candidate. Mr. Wilson was re-elected in 1879.

At the expiration of his term he returned to Mineral Point and resumed his practice. In 1887 he left the state and went to Nebraska; his death occurred at Lincoln early in 1888. Mr. Wilson's record as attorney general was unexceptionable. He was not a brilliant man

nor was he largely endowed by nature with mental powers; he was conservative, patient in making investigations, and ordinarily a safe counselor.

JOHN D. WILSON.

John Darlin Wilson, late of Boscobel, Grant county, was born at Johnston, Lanarkshire, Scotland, June 19, 1851; in 1864 he came to the United States, settling at Concord, New Hampshire, where he attended an academy for a time; in 1865 he came to Wisconsin, locating in La Fayette county, and engaging in teaching school; "read law" with Henry S. Magoon, of Darlington, and M. M. Cothren, of Mineral Point; was admitted to the bar of La Fayette county June 22, 1873; in July, 1875, formed a partnership with Mr. Cothren and opened an office at Boscobel, Grant county; this partnership was terminated in 1876 by the election of Mr. Cothren as circuit judge; since that time Mr. Wilson practiced alone, except that for about three years he was in partnership with the late Alexander Provis.

Mr. Wilson's health caused his friends anxiety some time before his death, and he took every means which promised its restoration; but without much avail. He died at his home March 21, 1897.

Mr. Wilson acquired a good practice as the result of his great industry and continued perseverance. With proper fitting for the profession he would have been one of the most successful lawyers of his years in the fifth circuit. But few men laboring under the disadvantages which circumstances beyond his control placed upon him would have accomplished a small fraction of what he achieved. He was honest, frank, careful, true to his friends, faithful to his clients and a useful man in the community. He was ardently attached to the republican party, and in 1892 and 1894 was warmly supported by many friends as a candidate for the nomination for attorney general.

ROBERT J. WILSON.

Robert J. Wilson was born in Shullsburg, La Fayette county, Wisconsin, a little more than thirty-seven years ago. His father, William Wilson, who died June 2d, 1896, at the city of Darlington, in said

county, was a Scotchman. His mother, Mary Ann (McKay) Wilson, was born in Ireland and reared to womanhood in Scotland. His parents were married in Scotland, where their first-born child, a son, died. They then came to this country, arriving at Galena, Illinois, in 1853; soon after they settled in New Diggings, La Fayette county, Wisconsin, and later settled in Shullsburg, where the subject of this sketch was born. There were born to Mr. and Mrs. William Wilson twelve children, nine sons and three daughters, all of whom are living in La Fayette county, except the first born.

William Wilson followed the occupation of lead mining and smelting in Shullsburg and vicinity for several years after coming to this country; then he moved to Gratiot, in said county, where he engaged in farming for a short time; later he removed to a farm in Darlington, in said county, where he followed the occupation of farming and acquired a large farm and accumulated considerable property. A few years before his death he removed to the city of Darlington.

X Even as a boy attending the common school, and later the high school in Darlington, Robert J. Wilson was fixed in his determination that he would become a lawyer. For some time after his education was completed he taught school and later engaged in the mercantile business in Darlington, which business he followed successfully for a time, but his strong inclination to the legal profession led him to enter the law offices of Orton & Osborn, where he remained for several years, and even for one year after he had gained admission to the bar. He was admitted to the bar in June, 1883, before the circuit court at Darlington, and afterwards was admitted to practice in the supreme court.

Shullsburg had been left in his early boyhood, and in Darlington, where his youth had been passed and manhood reached, and where every man, woman and child was his friend, he began, a year after he was admitted to the bar, the active practice of his profession. In 1884 he was elected district attorney of La Fayette county and two years later was re-elected to that office, on each occasion by an unprecedented majority.

In 1887 he formed a partnership with H. C. Martin which has continued uninterruptedly to the present time. In 1888 he resigned the

district attorneyship and was appointed county judge by Governor Rusk; he was elected to that office in 1889, serving upon the bench six years, and on the expiration of his term was tendered a renomination but the requirements of his law practice led him to decline. For three terms also he was elected and served the city of Darlington as its attorney.

X The firm of Wilson & Martin enjoys a large and lucrative practice and has been connected with a great many of the most important cases in the county. Possibly the most notable was the defense of seven persons charged with lynching a man named Seibolt in the public square in the city of Darlington in the day time. All of the defendants were acquitted on the ground of insanity.

Mr. Wilson has seen some military service. He enlisted in company K, first regiment, Wisconsin national guard, for a term of five years and at the end of his term was honorably discharged, having been promoted to orderly sergeant of his company. He is also a member of a number of secret organizations—the Masons, Odd Fellows, Knights of Pythias, Modern Woodmen and Knights of the Globe.

Mr. Wilson is a live, energetic, active republican and wields considerable influence in his party, while in his religious views he affiliates with the Congregationalists.

That his business instincts are of a very high order has been fully recognized in his community. In business matters he is cautious and prudent; he is a large stockholder in the Benton state bank of La Fayette county; in the Badger Land and Mining company, of which he is president; the Champion Mining company, besides having accumulated considerable other property.

His wife, to whom he was married in 1885, is a daughter of Mr. and Mrs. Robert Martin and a native of La Fayette county. She is a modest and accomplished lady and is held in high esteem.

She is an ardent worker in the Congregational church, of which she is a devoted member; she is also a member of the woman's relief corps, Eastern Star lodge, and of the lodge of Rathbone Sisters; of the latter she is at present the presiding officer.

Mr. Wilson is a man of ability, is very zealous and usually success-

ful in all of his undertakings, and is exceedingly popular. In fact, he is a self-made man.

MOSES M. STRONG.

Moses M. Strong died after a short illness, upon the 20th day of July, 1894, in the city of Mineral Point, his home for fifty-eight years.

The following memorial of his life and character was prepared by the committee appointed by the bar association for that purpose:

Moses M. Strong was born in Rutland, Vermont, May 20th, 1810, and graduated from Dartmouth college in 1829, and was admitted to the bar of Connecticut a few years later. In 1836 he was engaged by Governor Hubbard and others to invest large sums of money in government lands and, for that purpose, he went directly to Mineral Point, Wisconsin, and upon his arrival there he opened a law and land office, and from that time that place was his home. In 1837 he was appointed government surveyor of lands west of the Mississippi, and in 1838 he was appointed United States attorney for the territory of Wisconsin. He was a member of the legislative council in 1842 and 1843 and was president of that body. He was a member of the assembly in 1850, and was speaker of that body. He was a delegate to the constitutional convention in 1846 and a member of the assembly in 1857.

In 1852 he came to be largely interested and acted in promoting the railroad interests of the state, and for several years he was not in the actual practice of his profession of law. He returned, however, to his profession, and for more than thirty years he devoted most of his time to the practice of it.

At the organization of the state bar association in 1878 he was elected its president, which office he held until a short time prior to his death, when he resigned it.

He has been president of the bar association of the fifth judicial circuit during the entire professional lives of all of us.

In 1885 he was appointed a member of the state board of law examiners, and he held the position until his death, and in the intervals, when business and professional duties did not interfere, he wrote the history of Wisconsin in its territorial days. The appreciation of this



Wm. L. G. Carter sculp.

Moses H. Strong

work may be seen in the legislature ordering an edition for distribution among the public schools of the state.

He was a lawyer of great ability. His mind was strong, logical and analytical. His early training in the law was thorough, and his knowledge of the fundamental principles of our jurisprudence was exhaustive. As an advocate he had few superiors. Some of his successes in legal advocacy, though best known to the generation to which he belonged, are historic; and we have all heard him and admired his skill and power in presenting the cause of his client. His practice was not a general practice. The infinite details of such practice would have been irksome and unendurable to him. His cases were few and important. If not in themselves, his employment in them made them so. As a lawyer, he was fair and honorable with his opponent, but asked and granted few favors. Legal controversy with him was real warfare, and not sham battling, and, like a successful general, he knew and fully appreciated his enemy's position and strength. He possessed great independence and was very persistent. His greatest failing in life was his inability to work in concert with others. He saw his object with great clearness and put forth great power and tact in its accomplishment, but in associating himself with others, so as to secure the effect of combined efforts, he was not successful.

He pretended to nothing he was not. In his politics there was no trace of the demagogue. In his profession he was no pretender, and in religion no hypocrite. He promised carefully and performed promptly and punctiliously. Socially, he was naturally reserved and exclusive, but with his professional associates he was genial and a most pleasant companion. He was not an orator in the highest sense. Yet he was a most forcible and convincing speaker. His close reasoning and clear and logical statements of facts, with great suavity and tact, won him honors at the bar and at the hustings which will be lasting. He was not only qualified for, but would have adorned the bench, and would have filled most creditably any political position. But he fought his legal, political and personal battles without fear and without the thought of consequence to himself. This fearlessness made him enemies as well as friends, and destroyed in a measure his availability for official prefer-

ment, while his independence and marked delicacy in seeking his own personal advancement tended largely to close to him the avenues of official distinction.

One of his strangest characteristics was the fact that success never greatly elated or defeat depressed him. This was in consequence of his entire freedom from prejudice. He took in the whole situation candidly and philosophically, and if the result disappointed him he at once adapted himself to the new condition, without rancor or revengeful purpose. He was never on the heights or in the depths. He was without vanity, the result of undue exaltation, and without vindictiveness, the outcome sometimes of undue depression.

The dignified reserve which marked and defined his social relations belonged by natural right to this trait of character of which we speak.

They are ever found together, but not without sympathy and courtesy when the heart is reached. The one who could by some right enter the chambers of his mind found therein the warm sympathy, the ready help, the charity in his need, which others, differently constituted, waste in superficial and demonstrative friendship upon a thoughtless world. There was an absence of display in his benevolences and kindly assistance to others, a concealing of self in the grandeur of the act. This is a kind of reserve we all love, and it relieves Mr. Strong from the suspicion of selfish indifference to others. This conservative element in his character explains his political bias. Without saying that he was right in his interpretations, yet we know that he looked upon the democratic party as occupying this middle ground through which he ever walked, and, although his father and relatives were whigs, he cut loose from those associations and joined the democratic party, and the characteristics which have so ruled his life, kept him not only strong in his political faith, but free from extremes in feeling and policy. He was not a success as a politician. He belonged to the old school, believed in the intelligence of the people, and in frequent recurrence to and a clear understanding of the principles of our government, and of their application to our political affairs.

In this way we would interpret his religious life and bias. The Episcopal church, to his mind, occupied the middle ground of his devo-

tion. Early in life he organized an Episcopal church in Vermont, and when he came to Mineral Point he was with the first in organizing the Trinity parish, of which he became a member and a vestryman. For many years he was a parish delegate to the diocesan convention, and at the last one he attended, just before his death, he was appointed chancellor, and of this honor he told the bishop that he regarded it among the very first he had ever received. This speech will indicate his devotion to the church and his interest in diocesan matters.

There are other traits of which we could speak if the occasion afforded the latitude. His generous support of his church and her charities, his uniform integrity and fair dealing, his independence of character and self-reliance, all should have more than a passing notice, but they have entered into the history of the parish which he served so long and well, and into the history of the town where he had his home for more than half a century; and into the history of the state, and so we need not dwell upon them. They are well known and by them his memory will live.

The end was fitting the life and character. No idle years, no slow, mortal decay. A few days' sickness from heart trouble, which came almost without warning and pain—then the rest and peace of death—and the familiar face and figure of Moses M. Strong, which thousands for years have been accustomed to see, was missed in his haunts of life.

"The death-change comes,
Death's another life. We bow our heads
At going out, we think, and enter straight,
Another golden chamber of the King's,
Larger than this we leave, and lovelier.
The Will of God is all in all. He makes,
Destroys, re-makes, for his own pleasure all."

MISCELLANEOUS NOTES.

The first term of the circuit court of Crawford county was held by Judge Jackson at Prairie du Chien, commencing Nov. 13th, 1848. In the first civil case on the docket (William S. Hungerford et al. vs. Caleb Cushing) Charles Dunn and F. J. Dunn appeared as solicitors for the complainant.

During Judge Jackson's occupation of the bench, D. H. Johnson

commenced the practice of law, residing at Prairie du Chien. Some time in 1862 or 1863 he removed to Madison, and from there to Milwaukee, where he has been for many years judge of the circuit court. When in practice at Prairie du Chien he was in partnership with Walter R. Bullock, a nephew of John C. Breckenridge, of Kentucky. At the commencement of the late civil war Mr. Bullock went south and entered the Confederate army as captain, was wounded in battle, and after the war located in Baltimore, Maryland, where he practiced until his death in 1886.

Judge Knowlton held his first term in Crawford county (which had been transferred to the 6th circuit) in November, 1850. About this time the following named attorneys came to Prairie du Chien and commenced the practice of law: Samuel Cowden, who was elected district attorney; Benjamin Bull, who, in 1865, was elected state senator; Rufus King, who was a partner of Mr. Bull, and who afterward went into the army during the war of the rebellion, locating in Chicago at its close; A. C. Phillips, who came from the state of Maine and who in a few years returned to that state on account of ill-health; B. E. Hutchinson, who was in partnership with Willard Merrill as Hutchinson & Merrill. Mr. Hutchinson was for a while in the army, represented Crawford county in the assembly and afterward moved to Madison where he now resides. Willard Merrill removed to Janesville, and afterwards became connected with the Northwestern Life Insurance Co., of Milwaukee, of which he is still an officer.

In 1845 Leander Le Clerc, a Canadian Frenchman, came to Prairie du Chien and opened a law office. He was a very bright man and had a large practice, chiefly among the French residents.

A. V. and A. S. Blair began practice in 1857, as partners, but in a few years removed from the state.

Alpheus Wright practiced law in Prairie du Chien for a short time in the fifties, but later removed to Colorado.

At the May term, 1858, Benjamin F. Hunt was admitted as an attorney and became a member of the firm of Johnson & Bullock. Mr. Hunt was from Ohio and was an eloquent advocate. He removed in 1867 to Clayton county, Iowa, where he became circuit judge.

Ed. D. Lowry came to Wisconsin in 1854 and formed a partnership with J. Allen Barber at Lancaster. In the fall of 1861 he went into the army, but in the summer of 1862 he returned to Lancaster and shortly thereafter opened a branch office at Prairie du Chien. He continued to represent the firm of Barber & Lowry at Prairie du Chien until the fall of 1863 when he again enlisted, serving with the army until his death, June 2d, 1865. Mr. Lowry was reckoned a very able lawyer, excelling particularly in criminal law and before the jury.

William Hull was a southerner from New Orleans. He was a first class lawyer before a jury, resourceful and of ready wit. He rose rapidly and descended as rapidly. In 1851 he was elected district attorney of Grant county, holding the office for one term. Elected to the legislature in 1854, he became, in 1856, during the "reform administration," speaker of the assembly. He was said to have received \$20,000 in scrip out of the railroad land subsidy. He removed to La Crosse and resumed the practice of law with indifferent success, dying a poor man. He was a man of remarkable gifts, off hand, happy, and often eloquent in public speech, possessed of a brilliant mind and fair education.

Cyrus K. Lord and Hugh R. Colter. In 1850 Cyrus K. Lord became judge of the county court, succeeding the venerable Hugh R. Colter, who held the position in territorial days. Judge Colter was a rather unique personality. He was accustomed to visit the widows and orphans to settle up the estate, almost before rigor mortis set in. He held a sort of itinerant court. Everybody knew when a death occurred in the neighborhood that Judge Colter would be around in a few hours. He was intelligent and kind hearted; he was lame and hobbled around on a crutch. Judge Colter was the fourth probate judge of Grant county, John H. Rountree being the first.

A pioneer lawyer of Potosi, Grant county, J. W. Seaton, who studied law with Cole & Biddlecome, is still alive. As he himself puts it, he mixed literature too freely with law, and in consequence never rose to a great height in his profession. He still lives in Potosi, and continues to take a keen interest in literary, historical and legal matters.

H. D. York of Hazel Green is another member of the early bar of Grant. He has practiced continually in the county for a great many

years and at present devotes almost his entire attention to probate business.

The names of Alfred Brunson, P. A. R. Brace and Charles J. Leonard, appear frequently in the court records of Crawford county prior to 1848. Alfred Brunson, who was from an early day a minister of the gospel sent west as a missionary to the Indians, commenced the practice of law in 1840 and continued the practice about ten years, being district attorney of Crawford county at one time, but finally returned to the ministry. He filled many high offices in the church, and died at the advanced age of about ninety. P. A. R. Brace was a man of fine education and was a good lawyer. He died a few years after coming to Prairie du Chien. Chas. J. Leonard was elected county judge of Crawford county, and afterwards practiced law for a few years, when he moved away.

Dyer Divine was in early days a prominent attorney of New Diggings, La Fayette county. He was afterwards of the firm of Divine & Rockwell, attorneys for Brigham Young. He was arrested by Gen. Albert Sidney Johnson for inciting the Mormons to resist the authority of the United States.

Among the other early lawyers who located at New Diggings were Chandler, the two Robinsons, Conway and Nagle. Chandler was a bright, well-educated man from Vermont. He was small in stature, but a vigorous and pronounced speaker. He was, however, of an impudent and overbearing disposition. He moved to Texas and was shot in a courtroom at Woodville, while trying a case.

There were two lawyers by the name of Robinson who figured somewhat in legal matters during territorial days. Eli Robinson was the more prominent. He had a large practice at the Diggings, but removed to Minnesota, where he became a state senator.

James Nagle was an old style Irish barrister. He was large-boned, dignified and quite an able advocate. He was much sought after by local attorneys for his counsel and on account of his library. When slightly under the influence of the ardent he would offer to make anyone a lawyer for the small sum of ten pounds, and for twenty put him in the same class with himself.

CHAPTER XXI.

THE SIXTH CIRCUIT, ITS JUDGES AND LAWYERS.

The power of the legislature to increase the number of circuits was first exercised in 1850, by the organization of the sixth circuit, which was constituted of the counties of Crawford, Chippewa, Bad Axe, Black River, St. Croix and La Pointe. The judgeship was filled by the election of Wiram Knowlton on the first Monday of July, 1850, and he qualified August 6, 1850. His successor was George Gale, who became judge on December 31, 1856.

During Judge Gale's occupancy of the bench litigation arose as to his right to continue to do so. At the time of his election the sixth circuit was composed of the counties of Crawford, Bad Axe, La Crosse, Monroe, Jackson, Clark, Buffalo and Trempealeau. In 1861 a law was enacted constituting the counties of Crawford, Bad Axe, La Crosse, Monroe and Jackson the sixth circuit, and further making the eleventh circuit out of the counties of Trempealeau, Buffalo, Pepin, Dunn, Dallas, Chippewa, Clark and Eau Claire. This law declared that the person holding the office of circuit judge and residing in the county of Trempealeau (Judge Gale was a resident of that county) was judge of the eleventh circuit for the balance of the term for which he had been elected. An election, in April, 1862, was provided for, and the governor was authorized to fill the vacancy in the judgeship of the sixth circuit. The transfer of the county of Judge Gale's residence to the eleventh circuit, it was contended, caused a vacancy in the sixth circuit, because the constitution provides that each judge shall be a resident of the circuit for which he was elected. On that theory Isaac E. Messmore received an appointment from the governor as judge of the sixth circuit, and assumed to enter upon the duties of his office. An action of quo warranto was brought against him for usurpation of that office and his right thereto was denied. See 14 Wis., 163.

THE BENCH.

The succeeding judges were Edwin Flint, Romanzo Bunn, A. W. Newman, Joseph M. Morrow and Orvis B. Wyman. Sketches of Judges Bunn and Newman appear in other chapters. The circuit now consists of the counties of La Crosse, Monroe, Trempealeau, Vernon and Juneau.

GEORGE GALE.

George Gale was born at Burlington, Vermont, November 30, 1816. His grandfather served in the continental army, and his father, Peter Gale, was one of the "minute men" of Barre, Vermont. His early years were spent on a farm on the eastern slope of the Green Mountains; his educational advantages were limited to such as the rural schools afforded. At the age of sixteen he began a somewhat extended course of reading in history, biography, natural science and mathematics; his knowledge of the two last subjects when he attained his majority is said to have been very creditable. In 1839 he began to read law with ex-Governor Dillingham, of Waterbury, Vermont, and two years later was admitted to the bar. In 1841 he located at Elkhorn, Walworth county, Wisconsin, and opened a law office; while there he established the first newspaper in that county—The Western Star. He served in several local offices, and in the fall of 1847 was elected a member of the second constitutional convention, serving therein as a member of the judiciary committee. The same year he was chosen district attorney, and in 1849 was elected state senator, serving in the sessions of 1850 and 1851. In the latter year he removed to La Crosse and was almost immediately elected county judge, which office he resigned January 1, 1854. In April, 1856, he was elected judge of the sixth circuit, then composed of Buffalo, Clark, Jackson, Monroe, Trempealeau, La Crosse, Vernon and Crawford counties.

While residing at La Crosse Judge Gale favored the establishment of a college there; but the proposition did not meet with the support he desired. In 1853, having resolved to found a college and town on his own responsibility, he bought about two thousand acres of land, including the site of Galesville and the water power on Beaver Creek. In

1854 the legislature created the county of Trempealeau, and located the county seat at Galesville, and at the same session granted a charter for a university to be located there. In June, 1854, he platted the land where Galesville is now located and let contracts for the erection of a saw and flouring mill. In 1855 the board of trustees of Galesville university was organized; the erection of a building was begun in 1858, the preparatory department opened in May, 1859, and the first class graduated July 13, 1865. Judge Gale immediately thereafter resigned the presidency of the university. In May, 1857, he moved from La Crosse to his farm near Galesville, where he resided until his death, April 18, 1868.

In 1857 the University of Vermont conferred on Judge Gale the honorary degree of Master of Arts, and he received from the institution which he founded, in 1863, the title of LL. D. In 1846 he prepared the "Wisconsin form book," which was revised in 1848, 1850 and 1856. It is said to have been very useful and to have circulated to the number of nearly six thousand copies. He also wrote for the state historical society an elaborate paper on the "History of the Chippewa Nation of Indians;" "A genealogical history of the Gale family in England and in the United States, with an account of the Tottingham family of New England, and of the Bogardus, Waldron and Young families of New York—a volume of 254 pages, and a work requiring a large amount of patient and persevering investigation." His last work, and to the preparation of which he devoted many years, was published in 1867, entitled "The Upper Mississippi: or historical sketches of the introduction of civilization in the northwest," a work covering the period from 1600 to 1866. It is a work of much research and a valuable contribution to western history.*

Judge Gale's health became precarious in the summer of 1863, and he spent the three following winters in the south and east, most of the time in the service of the sanitary and Christian commissions. In February and March, 1863, he had charge of the federal sanitary commission depot on Morris Island, South Carolina.

In person, Judge Gale was six feet four inches in height, and quite

*D. S. Durriel, in *Wisconsin Historical Collections*, vol. 7, p. 424.

erect; his personality was noticeable. In manners, he was genial, social and courteous. In politics, he was a democrat. The writer quoted from says that "in all the relations of life in which he was called to take a part Judge Gale was always faithful, honest and persevering, with habits of industry and close application. Those who knew him best esteemed him the most. In all respects he was an estimable man, discharging every duty to the best of his ability."

EDWIN FLINT.

At the close of Judge Gale's term he was succeeded by Edwin Flint, a member of the La Crosse bar. Mr. Flint, was born in Braintree, Orange county, Vermont, May 25, 1814. His father was a farmer, and died when Edwin was twelve years of age. At the age of fourteen the latter went to Windsor, Vermont, where he passed a year in the office of the Vermont Chronicle. Having a strong desire for a thorough education he went from there to Burlington, Vermont, to prepare for college, and while doing so earned money enough to pay his expenses by setting type nights and mornings for Chauncey Goodrich, a book publisher. By such means he secured the education necessary to admit him to the state university of Vermont, and to maintain him therein until his graduation in 1836. His next employment was for one year as a teacher in Virginia. From there he went to Norwalk, Ohio, and "read law" with Judge Lane for one year. His finances being exhausted, he went to Kentucky and became a tutor in the family of Governor Shelby, in the meantime prosecuting his study of the law. In 1840 he was admitted to the bar at La Fayette, Indiana, and began the practice of the law there. His success was so limited that he found it necessary to resume teaching. In 1841 he settled at Jackson, Michigan, and was quite successful so long as he remained there; but fever and ague made it necessary for him to remove. He was engaged in teaching most of the time thereafter until 1848, when he came to Wisconsin and opened a law office at Fond du Lac; he remained there until 1851, when he settled at La Crosse. In 1852 he was elected district attorney of La Crosse county and chairman of the county board. In 1861 he was elected state senator, and served during the session of 1862; in April,

1862, he was elected circuit judge; he served the full term. In 1869 he removed from La Crosse to Mason City, Iowa, and there formed a law partnership with B. F. Hartshorn. He continued to practice until 1876, since which date until his death he devoted his energies to managing his business and pursuing his reading, which was his great delight. Judge Flint was successful in business, having accumulated an estate of nearly one hundred thousand dollars; one-half of that sum he bequeathed to his alma mater, the University of Vermont, for the endowment of a professorship of mathematics, natural or technical science, as the faculty shall elect, to be designated the Flint professorship; the remainder was bequeathed to a number of nieces and nephews. Judge Flint died at Mason City, Iowa, October 15, 1891, aged seventy-seven. He had never married. With him, during his last sickness, was his brother, W. S. Flint, of Nashua, Iowa, who resided in Wisconsin thirty-two years, and represented a district of which Green Lake county was a part, in the senate in 1871 and 1872, and the same county in the assembly in 1876.

Judge Flint was highly esteemed in Wisconsin for his character and accomplishments. He was always a gentleman, and possessed a mind of strong power and which was well-informed. He was courteous to all, and while his own convictions were strong, he was tolerant of those who held opposing views. In politics, he was an ardent republican, though since the prohibition question became a political one he has, on state issues, voted in favor thereof. As a judge, he was impartial, patient, courteous and learned; but, notwithstanding, did not succeed to the satisfaction of the bar or people. He seemed to lack the ability to confine his charges to the points in issue, with the result that appeals from his judgments became very numerous and were generally successful. He failed of re-election, being beaten by Romanzo Bunn, and almost immediately after the close of his term removed from the state.

JOSEPH M. MORROW.

In October, 1893, Joseph McKeen Morrow, of Sparta, was appointed by Governor Peck judge of the sixth circuit to fill the vacancy

caused by the resignation of Judge Newman who, in the previous April, had been elected a justice of the supreme court. Judge Morrow's service on the bench was brief, his candidacy for election in April, 1894, being contested by a candidate nominated by the republicans; that party, having about 6,000 majority in the circuit, succeeded in electing its nominee.

Mr. Morrow, as judge, faithfully discharged every duty to the satisfaction of the bar and the people. For many years he has had a very good reputation as a lawyer of ability and uprightness. He is a native of New York, having been born at East Aurora, January 1, 1832. His father, Henry Morrow, by occupation a furniture and cabinet maker, was the son of an Irishman who became one of the early settlers of Ohio. Henry married Mary McKeen, whose father, Daniel, had done a soldier's part in the war of 1812.

The subject of this sketch was fortunate in being sent for his education to a school which, for its advantages, was very highly considered, the East Aurora academy. Immediately afterwards the study of law was taken up with Mr. Robinson at Buffalo. He remained there one year and then came to Sparta, Wisconsin, in 1856, to study with the firm of Graves & Rice. In 1858 he took his examination before Judge Gale and was admitted to the bar.

For the following five years he was in partnership with his tutor, Mr. Graves, the firm becoming Graves & Morrow; but failing health forced him, in the spring of 1864, to seek a change of climate, and for two years, as he expresses it, he roughed it in Montana. Returning then to Sparta, the old partnership was renewed and so continued a further five years. For four years afterwards he practiced alone, after which his present partnership with C. M. Masters was formed, and, except for an interval of two years, during which time the latter was engaged in other business, has continued uninterruptedly since.

Among the interesting and important cases handled by Mr. Morrow while district attorney, particular attention may be made of the notorious Ingersoll murder case, in which the wife was accused of killing her husband. Senator Vilas and J. Turner, of Mauston, were lawyers for the defendant, who, after a hot legal fight, was finally acquitted; the

La Crosse case, in which Dr. Chamberlin was shot in broad day-light, and a man named Wissinger was accused of the crime. Here the trial took place at Baraboo before Judge Stewart, Mr. Morrow conducting the defense. A plea of insanity was made and his client secured acquittal.

In his political opinions Mr. Morrow has always favored the democratic party. At the national convention of 1884 he was a delegate at large, and in the last presidential campaign his vote was recorded for William J. Bryan. He was elected district attorney in 1870 and served three successive terms, being afterward re-elected several times and holding that office in all seven terms. In 1862 he became a member of the legislature; he has three times been president of the Sparta board. He was made revenue collector of the sixth district in 1885 and served in that office until the consolidation of that district with the second district. In October, 1893, he was appointed circuit judge, as before stated.

Of secret organizations for the past twenty years he has been a member of the Knights of Pythias, and in that order has filled all offices up to grand chancellor of Wisconsin. Is also a member of the Order of United Workmen.

Mr. Morrow was married in May, 1860, at Sparta, to Olive Graves, and they have a daughter, Mary. In his religious views he is an Episcopalian.

ORVIS B. WYMAN.

Judge O. B. Wyman was born in Windsor county, Vermont, July 7th, 1847. His paternal ancestors came to this country from Wales but for several generations previous to his birth were natives of Vermont. His mother, whose maiden name was Roxana Perkins, was also a member of an old Vermont family.

In 1855 the family moved to Wisconsin and located first at Stoughton, Dane county. In 1859 a change was made to Vernon county, Wisconsin, where his father, Asahel Wyman, pursued the combined avocation of farming and wagon making. Since that time Judge Wyman has resided in Vernon county.

He attended district school in both Dane and Vernon counties and supplemented the knowledge therein obtained by a course of study at the university of Wisconsin, at Madison. He taught in the public schools of Vernon county for several terms; was principal of the Viroqua schools in 1873 and held the office of county superintendent of schools for three terms, from 1874 to 1880.

Having decided to pursue the practice of law as his professional occupation, he studied law in the law office of Colonel C. M. Butt, at Viroqua, Wisconsin, in connection with his school work, and was admitted to the bar on examination before Judge Romanzo Bunn in 1878.

He entered upon the active practice of his profession as a lawyer in January, 1880, having formed a partnership with Lycurgus J. Rusk, under the firm name of Rusk & Wyman. In 1883 the partnership was dissolved by the retirement of Colonel Rusk, who became private secretary for his father, Jeremiah M. Rusk, then governor of the state. Thereafter Mr. Wyman continued the practice of law alone till he was elected judge of the sixth judicial circuit to succeed Judge J. M. Morrow in the spring of 1894. He assumed the duties of that office in June, 1894, and is now on the bench in that circuit.

He held the office of district attorney from 1882 to 1886, was elected county judge of Vernon county in 1889, re-elected in 1893 and resigned the office of county judge on his election as circuit judge. Politically he has always been a republican, and while not a member of any religious denomination he usually attends the Congregational church. He has been mayor of Viroqua several terms and has served on the visiting committee to the normal schools and state university.

Judge Wyman was married December 28th, 1875, to Emma Hammer, at Hillsboro, Wisconsin. They have had three children, Bernard M., Eldon F. and Ella M. The eldest son, Bernard, died November 28, 1896, at the age of sixteen years. Mrs. Wyman, before her marriage, taught in the public schools of Vernon county. Her parents were among the pioneer settlers of western Wisconsin in the early '50s and founded the village of Hillsboro in Vernon county.

THE BAR.

HIRAM W. BARNEY.

This representative of the Wisconsin bar was born February 17th, 1840, at Henderson, Jefferson county, New York. His father, the Rev. Godfrey W. Barney, a native of Herkimer county, New York, was a member of the Black River conference Methodist Episcopal church, and his mother, formerly Lorinda Wilder, was born in Windsor county, Vermont. The family on both sides, so far as reliable records go, is traced back for several generations as residents of the state of Massachusetts.

Hiram W. Barney was brought up at Belleville, Jefferson county, New York, and received his education in Union academy of that town. He took a classical course, having intended later to go to college, but this the removal of his family to Wisconsin in 1858 prevented.

His mind determined on a professional life, but in 1861, the opportunity of United States government employment offering itself, he went to New York city. Until 1866 he held positions as assistant secretary of the New York post office and for some time in the cashier's office of the New York custom house. Civil engineering and surveying were then taken up and in these branches he was engaged for some years, receiving the appointment of county surveyor of Menominee county, Michigan, in 1869. While engaged in surveying, he studied law with H. H. Hatch, at New Lisbon, Wisconsin, and in 1873 was admitted to the bar by Judge Cate of the circuit court of Juneau county.

The practice of his profession was at once begun in New Lisbon, but twelve months having passed he decided to move to Wonevok, Wisconsin, where he remained until 1881 being, during the years 1880 and 1881, district attorney of Juneau county. Locating in Mauston, the firm of Turner & Barney was formed and so continued for six years, since which time, with the exception of a short period when he was associated with Mr. Beebe, he has practiced alone. For many years he has held the position of court commissioner. His work has been chiefly in the circuit court with the natural resulting supreme court practice, and the frequency with which his name appears in the law reports

of the state speaks in no uncertain way as to his industry and general legal reputation.

At all times Mr. Barney has been a republican and strongly repudiates any suggestion that his voting for Horace Greeley as President in 1872 could make him a democrat.

His domestic experiences have been of the very happiest description. He was married March 28th, 1880, to Emma Colebourn, and they have an interesting family of nine children: Godfrey W., Hiram W., Jr., Daniel P., Edward C., Willis W., Alice L., Paul R., Bessie M., and Emma A.

Mr. Barney is an attendant of the Methodist church, of which persuasion his wife is a member and a devoted and earnest worker in all church matters.

WILLIAM G. BEEBE.

William G. Beebe was born October 13th, 1867, at New Lisbon, Juneau county, Wisconsin. His parents were Colonel Yates V. and Julia (Winkler) Beebe, the father being a civil engineer by occupation. For four years the latter served through the civil war as captain of battery, tenth Wisconsin light artillery, and was chief of artillery on the staff of General Kilpatrick. By birth he was a native of New York; he married an Illinois woman and lived for some time in that state, moving to Juneau county in 1852.

The subject of the present sketch was educated in the high school at New Lisbon from which, after passing through the full course, he graduated in 1886. Determined to take up the legal profession, he began to study law with J. J. Hughes at New Lisbon, afterwards attending the college of law of the University of Wisconsin and graduating therefrom in June, 1891. The date of his admission to the bar of the district and circuit courts of the United States and the supreme and circuit courts of Wisconsin is June 17th, 1891. In November of the same year, having well considered the situation, he decided that Mauston offered him the better opportunities, and his choice has been amply justified.

Starting in the practice of his profession, he entered into partnership with Mr. H. W. Barney, with whom he remained for three years. From the very beginning his natural abilities and untiring energy made

him a man of some standing in the community. In the spring of 1893 he was elected municipal judge of Mauston, a position he resigned two years later when he assumed the duties of the office of district attorney for Juneau county; the latter position he held for two years and then, in the spring of the year following (1897), he was elected county judge for Juneau county.

In his political opinions Mr. Beebe is a republican, but his earnest work, his strict attention to business and his honest performance of every public and private duty have gained him the respect of all parties.

In religious belief he is a Protestant and has been a Mason since 1895. His wife, to whom he was married at Mauston, December 5th, 1895, was formerly Lana Altenberg. William G. Beebe is first lieutenant, company D, third regiment Wisconsin national guard, with rank from February 14th, 1895.

ALBERT E. BLEEKMAN.

Mr. Bleekman was born in Salisbury, Herkimer county, New York, March 26, 1846. He received his primary education in the common schools of Medina county, Ohio, and later attended a select school until he enlisted in the army in February, 1864. After the war he resumed his studies at Little Falls academy where he spent a year and a half, and then entered Albert college, Belleville, Ontario, where he remained for the same length of time but did not complete his college course for lack of means.

Mr. Bleekman came to Tomah, Wisconsin, in 1869. He taught school and continued the study of law, which he began before coming to Wisconsin, in the office of George Graham. He was admitted to the bar in 1870 and began practice in Tomah. In 1875 he removed to Sparta and in 1886 to La Crosse, where he has since been actively engaged in practice.

Politically, Mr. Bleekman is an active republican. In 1873 he was a member of the legislature; of the state senate in 1874 and 1875; district attorney of Monroe county 1877 and 1878, and city attorney of La Crosse in 1889. While in the senate he prepared and drafted what became known as the Potter law. He was married in October, 1868, at

Belleville, Ontario, to Eliza M. Farnham. She died in April, 1875, leaving one child. In August, 1876, he was married to Alice (Whiton) Bush of Tomah. They have had three children, two of whom are living.

BENJAMIN F. BRYANT.

The man from Maine has always been a potential element in the civilization and development of Wisconsin. The pine tree pointed the way for the pioneers, but along the woodman's trail came men of all vocations—merchants, mechanics and scholastic professors of every degree. No better blood ever infused pioneer life; no sturdier arm ever set about the task of subduing the wilderness, and no less vigorous mental activity could have raised a great commonwealth amid the unbroken elements of nature within the limits of half a century. Very much of the strong, distinctive Americanism which Wisconsin has maintained almost coequally with the eastern states, against an unparalleled tide of immigration from every nation upon the earth, is due to the virility of the pioneer stock in which the Pine Tree state is so strongly represented.

The war, which turned and overturned everything in the United States except the fundamental principles of indissoluble union and universal liberty, called a halt upon the westward-journeying star of empire until every star in the national firmament, however prone to wander, should know and admit that its place was fixed and everlasting. The lessons of the war were not alone to those who denied the nation; all men understood better that this was our common country, and the emigrations, which before had seemed like leaving home for distant and alien lands, took on a changed aspect as the iron boundaries of the state were leveled. The associations of the war had also their influence. The men of Maine and Wisconsin stood side by side for a common cause on many fields, and the friendships cemented in sacrificial blood are not easily broken. When the last act in the great drama was accomplished, and half a million soldiers returned to peaceful civil life almost in a single day, thousands of home seekers turned their faces toward the star of empire, which again grandly took its way westward. Every eastern state had its favorite western state, and the men of Maine, still influenced



Benj. R. Bryant—

by the magnetic pine tree as well as by the thought of friends who had preceded them, resumed their journey toward Wisconsin.

There are occasional instances of one who paused on the way to try the life of what we now call the central states, but which thirty years ago seemed the far west to the New Englander. When such an one completed his journey to Wisconsin, fulfilling his destiny as a Maine man, he was received with all the more complacency as one who came upon judgment and knowledge, and not because others had beaten the path. Such an one was the subject of this sketch, Benjamin F. Bryant, who left Maine for Ohio in 1861, and in 1868 first put his foot upon Wisconsin soil to dwell there, three years of the interim having been spent upon southern battlefields. The judge, or colonel, as he was called indiscriminately, is one of the best representatives of his native state Wisconsin has ever welcomed; proud of his birth-place; loyal to his alma mater, the venerable Bowdoin college; faithful in regard for statesmen and scholars that Maine has given the nation, yet from the start thoroughly assimilating all of western life except its crudeness, he was well fitted to do his share in the educational and social development of a relatively new community.

Benjamin French Bryant, son of Benjamin and Lucy F. Bryant, was born at Rockland, Maine, September 3, 1837. His father was a physician, born at New Vinyard, Franklin county, Maine, in 1803, himself the son of a farmer and blacksmith, who taught all his sons—many in number—the blacksmith trade before their majority. The Bryants in New England were from the olden-time workers in iron. Colonel Bryant's grandfather, of the maternal branch, Deacon Joseph French, was a farmer who went into Maine from Massachusetts near the close of the last century, when Franklin county was a wilderness, and settled on a farm at South Chesterville, before a tree had been felled on it, and cleared it himself. His daughter Lucy was born there in 1805. The farm is still owned and cultivated by descendants of the same name.

Both branches of Colonel Bryant's family are old in New England, and settled in Massachusetts near the middle of the seventeenth century. His father's family are of English and Scotch extraction; his mother's of English. His grandfather Bryant and sons were men of

versatile talents and ready of speech. The mother's family have been from the earliest time among the sturdiest of New England people, usually farmers, but sometimes hotel-keepers, mechanics, merchants and physicians. Dr. John French, of Bath, New Hampshire, was Colonel Bryant's mother's uncle, and Ezra B. French, second auditor of the United States treasury, was Dr. French's son and her cousin.

Colonel Bryant lived in Maine from his birth until after his majority; attending common schools only until he was seventeen years old. He then began to attend the Maine Wesleyan seminary at Kent's Hill, in the town of Readfield, where his father and mother had completed their education. He there pursued his studies about six months each year for four years, fitting himself for teaching and also to enter college. As his father was too poor to assist him in his education, he was compelled to provide the means himself, and accordingly, while at the academy and in college, he worked on the farm each summer and taught school winters, and in this way defrayed the expenses of school. He left home when sixteen years old to take care of himself, and was with his parents afterward only for brief periods with long intervals.

The young man had the full measure of American ambition, and upon the subject of education, he said, "I will." All things come to such if they are as steadfast as courageous; and in 1859 he entered Bowdoin college, in the class of 1863. He did not, however, complete the course; when his class graduated he was taking a higher course in patriotism with the army of the Cumberland in the Chickamauga campaign. In 1856 his father had removed to Huron county, Ohio, where the son joined him in 1861. Soon after he entered the law office of Kennan & Stewart at Norwalk, that county. Legal studies as well as all other peaceful vocations were prosecuted under difficulties, with the war spirit growing into an intense passion throughout the land, and in August, 1862, Blackstone "*et id omne genus*" went back upon the shelves to bide their time, while the young student went to the front as sergeant in company A, one hundred and first regiment, Ohio volunteer infantry. The regiment was assigned to the army of the Cumberland, and participated in the principal battles of that section. After Stone River, Sergeant Bryant was commissioned first lieutenant, and

in March, 1864, captain of his company. He was mustered out with his regiment at the close of the war, June 20, 1865. His military record tells its own story; promotion was won on the field, and was the reward of duty faithfully and courageously done.

He was not alone of his family to serve the Union cause in the service of arms. His father had but three sons, all of whom were in the army. Colonel Bryant's oldest brother, John E. Bryant, was captain in the eighth regiment, Maine volunteer infantry. He entered the service with his regiment in 1861, and served three years. The youngest brother, Thomas C. Bryant, enlisted in 1863 in the third regiment, Ohio volunteer cavalry, and served there until the close of the war.

After returning from his military service Colonel Bryant completed his legal studies at Norwalk, Ohio, in the office where he had commenced them in 1861, was admitted to the bar in April, 1866, at the spring term of the district court for Huron county, and at once commenced to practice law there. He was married, near the close of the war, to Augusta A. Stevens, of North Fayette, Maine. She was educated at Kent's Hill, at the seminary which he had attended, and also at the female college there. In 1866 the young couple took up their residence at Norwalk, Ohio, and remained until the spring of 1868, removing in May to La Crosse, which has been their home to the present day.

There have settled in La Crosse few men who made their presence felt more quickly and positively than Judge Bryant. He had an exceeding grace and suavity of manner that sometimes made his Irish friends inquire what part of the "ould sod" claimed the honor of his birth. When occasion arose for a public speech he stepped in an instant into popular favor. His language was scholarly, forcible, poetical if occasion required, with a pungent savor of wit, and his method was at once persuasive and forcible. From the start Colonel Bryant was in such demand by the republican party that his law practice would have fared ill had not good Yankee business sense set a limit upon too importunate party demands. As it was, he was forced, against his intention, and almost against his will, into public life. He was county judge of La Crosse county for one term of four years—from 1870 to 1874. He has

been elected to the office of district attorney of that county for three terms of two years each. In April, 1875, he was appointed United States pension agent at La Crosse, and held the office until it was consolidated in July, 1877, with the St. Paul and Milwaukee agencies. From October, 1882, to September, 1885, he was postmaster at La Crosse. Governor C. C. Wasburn and also Governor William E. Smith, of Wisconsin, appointed him aid-de-camp on their staffs, with rank of colonel. He has also been active and prominent in the Grand Army; was a charter member and has been commander of Wilson Colwell post, G. A. R., of La Crosse; has also served as senior vice commander and department commander of this department. He was one of the incorporators of the Wisconsin Veterans' Home, established in 1887, under the auspices of the G. A. R. of that state, and has been a member of the board of directors and treasurer of that institution. He is also a member of the Loyal Legion.

It is, perhaps, well that some more extended allusion should be made to Judge Bryant in his capacity as a public speaker. In his practice he is best known as an advocate, though he never goes into court with a case without knowing thoroughly all the law bearing upon it. If the announcement is made that Judge Bryant is to address the jury, people make it a point to get around and hear what he has to say. He likes very well to compose an address—to set his thoughts clearly and logically in array with felicitous simile and apt quotations; but he is also one of the few men who can make a speech under the inspiration of the hour that will, without addition or emendation, read like a polished essay when it appears in print. A notable instance of this faculty is found in his speech at the annual encampment of the Grand Army of the Republic at Milwaukee in 1887, on the Dependent Pension bill, which was taken down by the stenographers as spoken, and printed without revision, a speech made without preparation and called out by the occasion, but that stands as one of the ablest and most eloquent addresses ever delivered in Wisconsin. While Colonel Bryant rarely speaks without some preparation, still, when called upon, with but a short time to prepare, the outlines of a speech quickly take shape in his mind, both as to what he should say and the order of arrangement.

Close observation of current affairs throughout the world, the study of ancient history, especially the history of governments, and an exceptional familiarity with the best literature, both ancient and modern, have stored his mind with ideas which are always subject to the call of a retentive memory. That such a man should be both an elegant and eloquent speaker need hardly be said. That he is logical and accurate as a debater has been proven in many warm political contests in Wisconsin. His speeches on patriotic occasions are models for all America. He inculcates a devotion to the ideas underlying our form of government, and the flag that symbolizes them, "that touches the right spot," as his hearers say, and makes one of his addresses a lesson in patriotism for old and young. To sum up this broad-gauge character in a phrase, it may be said that Colonel Bryant is a true cosmopolitan. The rugged experiences of early farm life put stores of vitality into a physique not apparently robust; his years at that most sedate and most dignified seat of learning, old Bowdoin, imparted the scholastic air which time and later experiences have not changed; the study and practice of law have eliminated haste or prejudice in judgment; the bitter experiences of war have made patriotism an active principle worthy of entering into all the affairs of life; the filling of public offices widely differing in character has imparted a knowledge not only of affairs, but of men, and to these latter qualities thirty years of experience as a public speaker have contributed more than words can readily express. To all this something equal to all may be added—a wife capable of aiding as well as appreciating. Mrs. Bryant is so charming in society that only those who know her well realize all the graces of her amply stored mind, her judgment of art and literature, her clear insight of character, and her kind and charitable disposition. Their home is a model of quiet elegance, and whoever enters feels at once the pervading atmosphere of refinement. It is the model American home of a model American citizen.

CHARLES W. BUNN.

For a decade previous to 1885, at which time he located in St. Paul, Mr. Bunn was an eminent and honored practitioner of Wisconsin. Most of this period was spent as the junior member of the firm of Cameron,

Losey & Bunn, the business of which organization was as large and as legally important as was enjoyed by any combination of professional talent in western Wisconsin. To this strength and prosperity, it is needless to say, Mr. Bunn's energy, honesty and ability greatly contributed.

Born in Trempealeau county, Wisconsin, on May 21st, 1855, his boyhood was passed in Monroe county, after he was five years of age his home being at Sparta. Here he attended the district schools until he was prepared to enter the University of Wisconsin, in 1870. After completing the full course, in 1874, he commenced the study of law in the office of J. H. Carpenter, under the special tutelage of P. L. Spooner, who had taken a deep, and what proved to be, an abiding, interest in the character and prospects of the young man. In 1875 Mr. Bunn graduated from the university law school and decided to commence practice in La Crosse. He became a resident of that city in September, 1875, at once entering the office of Cameron & Losey as a clerk, and becoming a partner in January of the succeeding year. This was certainly a high honor for a young man just entering his career—to be thus associated with veterans of the bar who had already an assured standing both with the profession and the public. Mr. Bunn continued his connection with the firm until 1885, when he removed to St. Paul, Minn., to engage in practice.

Upon locating at that point, as a member of the firm of Lusk & Bunn, he resumed his professional work with his usual assiduity and success. The business soon assumed large dimensions and Emerson Hadley was later admitted to partnership. Thus was constituted the firm of Lusk, Bunn & Hadley, succeeded by Bunn & Hadley, which continued until 1895, when Mr. Bunn accepted the position of counsel for the receivers of the Northern Pacific Railway company. In 1896 he became general counsel of the receivers and, upon the reorganization of the company, was chosen its chief legal representative, a position which he retains.

During the two decades and more since Mr. Bunn commenced the practice of his profession he has been identified with a large number of important cases, such as the Washburn will case, Bloomer vs. Phoenix

Insurance Company, etc. There are few members of the profession in the state who have taken more cases to the higher courts than the subject of this sketch. During the period of his service as an attorney in St. Paul he has argued many cases in the supreme court of the United States. In short, from first to last, his career has indicated that he possesses a legal mind of a high and broad order, and that he is learned as well as executive—an unusual combination of intellectual force.

In 1877 Mr. Bunn was married to Mary Anderson, of La Crosse, daughter of Mons Anderson, a prominent citizen of that place. They have four children—Helen, Samuel A., Donald C. and Charles.

CYRUS M. BUTT.

Colonel Butt is distinctively American. So were his ancestors, both lineal and collateral, for generations. The ancestors of both of his parents, Edward and Hannah (Roberts) Butt, came to America with William Penn. His father was by occupation a blacksmith and a farmer and was also for a time a preacher. He served during the war of 1812 as a private. His wife, the mother of our subject, was a descendant of Captain Samuel Roberts of the Pennsylvania contingent of revolutionary fame. Edward Butt disposed of his property in Ohio and moved to Iowa in 1857.

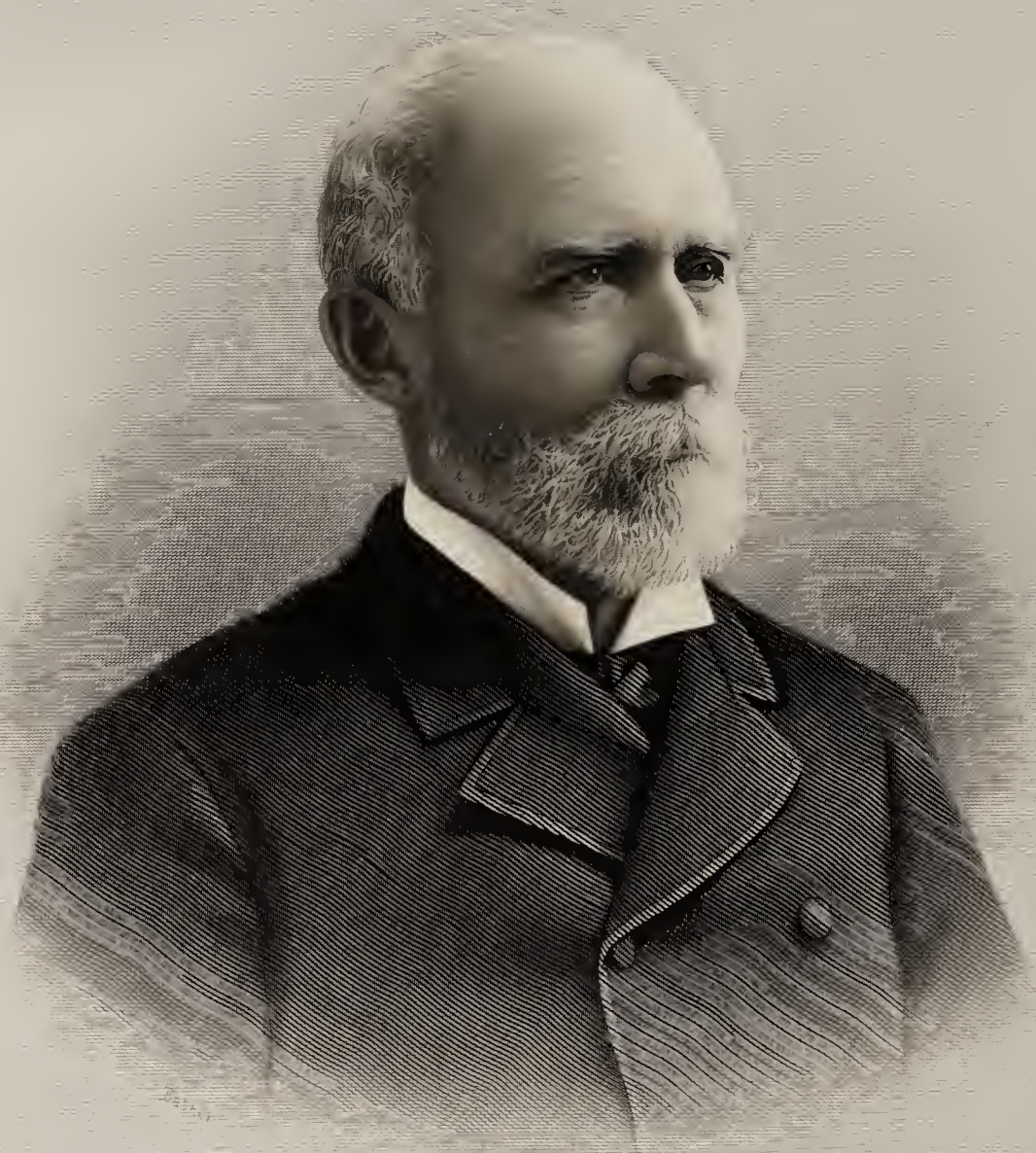
The subject of this sketch was born September 30th, 1833, in the town of Deerfield, Morgan county, Ohio. He obtained his education in the district schools of his native place, following which he took the scientific course at the Wesleyan university of Delaware, Ohio. Beginning the study of law with the well-known firm of Evans & Wood, at McConnellsville, Ohio, he followed with a course in Wisconsin and after this thorough preparation was admitted to the bar at Viroqua in June, 1859. He had moved to that city the year preceding and has never changed his residence up to the present time.

Having opened an office in Viroqua, he formed a partnership with H. H. Natwick, which was continued from 1874 to 1876, when he formed a connection with C. W. Graves, which continued until 1894, since which time he has practiced alone.

His professional experience has been extensive and of an interesting character, for there have been few cases of importance in Vernon county in which he has not taken an active part. He has probably tried more men for murder than any other lawyer in the state, upon one occasion during the war trying twenty-three men at the same time for that crime, of which number seventeen were convicted. At another time he tried ten for the murder and robbery of an old man, all being convicted and hanged. As regards other criminal cases, robbery, forgery and crimes of a like description, the list would be enormous. The success which has met his efforts has been most gratifying.

The career as a soldier of the subject of this sketch has also been such as to entitle him to an important place in the military history of the state. Entering the service in 1862, he received his commission as first lieutenant and two years later became captain of company A, twenty-fifth Wisconsin volunteers. Subsequently he was promoted to major and lieutenant colonel of the forty-eighth Wisconsin, in which he served until February 6th, 1866. During his military experience he accompanied his regiment in 1862 through the Sioux campaign in Minnesota, afterwards with General Grant at Vicksburg and later with Sherman in the Meridian campaign. He took part in the Atlanta campaign, then on to Savannah and afterwards to Goldsboro, North Carolina. For seven months he served as ordnance officer of the first division, seventeenth army corps, on the staff of Major General Mower. He was promoted to major in the forty-eighth Wisconsin infantry in 1865, joined it at Fort Scott, Kansas, and served on the Missouri frontier until September, 1865. Then went on western frontier and served against the Comanche, Arapahoe and Kiowa Indians until the 1st of February, 1866, when he returned to this state and was mustered out February 26, 1866.

Previous to the war he was honored by his fellow-citizens by his selection as district attorney, and now, when the sword was laid aside, he was elected to the office of county treasurer of Vernon county, holding the same for four years. In 1868 he was elected state senator on the republican ticket by a majority of 2,573. For four years, from 1870, he again held his former office of district attorney, was mayor for



Augustus Garrison

one term, and for twenty-four years has had a place on the board of education. From 1877 to 1889 he held the position of county judge.

The political opinions of this lawyer-soldier had been strongly republican until 1884, when he joined the populists. He was an advocate of the election of Grover Cleveland during his first presidential campaign. Colonel Butt is an old-time Mason, having joined that order in 1860. In his religious convictions he belongs to the Unitarians.

Business sagacity, as well as professional ability and a never-failing capacity for hard work, has been shown by the subject of this sketch. He possesses a farm of six hundred acres, two hundred acres of which lie inside the corporate limits of Viroqua. This farm he devotes to stock raising, principally cattle and hogs. He resides on this farm and gives it close personal supervision. He is also a large tobacco grower.

Colonel Cyrus M. Butt was married October 16th, 1864, at Mount Sterling, Crawford county, Wisconsin, to Margaret E. McAuley. They have an interesting family of five children—William E., who is a physician and has an excellent practice at Fox Lake; Esther F., a graduate of the university of Wisconsin and who is a teacher in the high school at Darlington; Jane A., a graduate of Northwestern university, of Evanston, Illinois; C. M. Butt, a graduate of the university of Wisconsin, and Margaret E., now attending that university in her junior year.

ANGUS CAMERON.

Angus Cameron, a distinguished Wisconsin lawyer and United States senator, was of Highland Scotch parentage, born in Caledonia, Livingston county, New York, July 4, 1824. His father, Duncan Angus Cameron, was from Inverness-shire and came to this country in 1800. His mother, Sarah MacCall Cameron, was from Argyleshire.

Angus Cameron was born on his father's farm in Caledonia and passed his youth there amid wholesome religious surroundings. The people of the neighborhood were all Scotch Highlanders, who preserved the manners and language of their native hills. The Gaelic was the speech of the household, and Angus knew no other language before going to school. So strong an influence did the training of childhood

exert upon him that the last words he was heard to utter, whispered as if to himself, were in the Highland tongue.

His education in the public schools was supplemented by a three years' course at the Genesee Wesleyan seminary, Lima, Livingston county, New York, and by one year passed at the Geneseo, New York, academy. He taught school when he was fifteen years of age and continued to teach winters until he was twenty-two years old. One year he was a teacher in the seminary at Lima. He was a good Latin scholar and was good in mathematics and in moral and natural science.

He entered the law office of Wordsworth & Cameron at Buffalo, New York, as a student in April, 1850. Subsequently, in March, 1853, he graduated at the National law school at Ballston Spa, and in the following April was admitted to the bar at Albany, New York. Returning to Buffalo, he remained for a time in the office of Wordsworth & Cameron, continuing with them until the spring of 1856. In April, 1856, he formed a copartnership with Frederick H. Wing in the banking business under the firm name of Cameron & Wing and was engaged in banking at Buffalo until the spring of 1857. Removing from Buffalo in the month of September, 1857, he came to La Crosse, where he resided until his death. On his arrival in La Crosse he formed a law partnership with Alonzo Johnson, a distinguished member of the bar, under the firm name of Johnson & Cameron. This continued until the death of Mr. Johnson in May, 1860. On the first day of May, 1861, the law firm of Cameron & Losey was formed, consisting of Angus Cameron and Joseph W. Losey. These two strong and able lawyers remained together in active practice until Mr. Cameron entered the United States senate in March, 1875, and their firm became the ablest and most widely known of any in western Wisconsin. It was not finally dissolved until 1886, when Mr. Cameron retired from active practice.

In the meantime Senator Cameron held various positions in the state. He was a member of the state senate in 1863, 1864, 1871 and 1872. He was a member of the legislature in 1866 and 1867, and the speaker in 1867. For nine years, from 1866 to 1875, he was a regent of the university of Wisconsin. In 1864 he was delegate to the republican convention held in Baltimore. The election of Mr. Cameron to

the United States senate in January, 1875, was brought about by a coalition of democrats and of republicans who declined to support Senator Matt. H. Carpenter for re-election. Senator Carpenter was elected four years afterwards to succeed Senator T. O. Howe, but died just prior to the expiration of the first two years of his term, and Senator Cameron, in March, 1881, just as his first term was expiring, was again chosen to succeed Senator Carpenter. At the end of this term he had served ten years continuously in the United States senate. While Senator Cameron was not conspicuous as a speaker in the senate, few members acquired more influence as a worker and an unselfish statesman. He was particularly conspicuous as a presiding officer and was very often called upon to preside over the senate. He occupied membership of some of the most important committees, and also was placed on important select committees, one of which was to investigate the alleged frauds in South Carolina in the presidential election of 1876 and as chairman of the committee made a report which was considered able and exhaustive, and attracted general public attention.

Senator Cameron was married at the town of Urbana, Steuben county, New York, the 21st day of February, 1856, to Miss Mary Baker, who was a granddaughter of Samuel Baker, a revolutionary soldier, who settled in Urbana in 1790. Her father was William Baker. On her mother's side she was of Holland Dutch descent, and her maternal grandmother was first cousin of President Martin Van Buren. Mrs. Cameron is a lady of many accomplishments. During their ten years' residence in Washington she was conspicuous for the grace and charm with which she performed the social duties of her high station. She is now an active promoter of many charitable and public functions.

Senator Cameron had been for nearly fifty years a member of the Episcopal church. He was senior warden of Christ church, La Crosse, and had been a member of the vestry for nearly forty years.

His death occurred the 30th day of March, 1897.

The foregoing statements give in brief outline the salient facts in the life of one of the most eminent citizens of Wisconsin. He had the rare fortune of filling every station he occupied with dignity, marked ability and to the satisfaction of his friends. He never courted public

favor by unseemly or undignified methods. The public stations which he occupied appeared to come to him in recognition of his fitness rather than from being sought by him.

His life furnishes a remarkable example of the value of making haste slowly. In fitting himself to be a lawyer he spent three years in preparation before his admission to the bar. Afterwards he spent another three years in apprenticeship in the law office where he had remained as a student. When, subsequently, on coming to Wisconsin he opened a law office for himself he was a wise and mature lawyer. His success, unaided by brilliancy or fervid eloquence, rested on those solid talents and acquirements which compelled recognition and won eminence in his profession. In his legislative career the same solid and enduring traits evinced his superiority. It was true of the man that he never assumed to be able to do a thing which he was not able to perform. His unpretentious strength was one of his most noticeable qualities. He labored beyond the habit of other men and yet never seemed to be in haste. No one could recall the instance when he appeared to be taken by surprise, so carefully had he prepared for every contingency which might arise. He was firm almost to the bounds of stubbornness, and yet so gracious and good of heart that he appeared to require only what every one ought to acquiesce in.

In his private life he was above reproach. He never passed an idle hour in dissipation. His faithfulness to his friendships and to every interest confided to him left nothing to be desired. The example of his completed life is a legacy such as few men leave behind them as an inspiration to others.

The following estimate of Senator Cameron is from the pen of one who knew him long and intimately:

"Angus Cameron came to La Crosse about one year after it was incorporated as a city, and for forty years lived among us, rising to the most eminent position among our citizens through his connection with national and state politics and his position as a lawyer and citizen. As a man he had from first to last clear convictions of right and duty. Born a Scotchman, educated an American, he possessed the firmness, deci-

sion of character, clearness of mental vision and strong reasoning powers of the former and the activity and zeal of the latter.

"At the bar he at once became conspicuous for his knowledge of law, sound judgment and careful practice, never failing to reach a determination of his case on the real merits of the controversy. He was a close reasoner, capable of clear analysis of principles, a shrewd examiner of witnesses, of but little magnetic power, but a forcible and convincing advocate and talker both to court and jury. He well understood the motives and influences by which men are induced to act and he well knew the power of conciliation, and moved by persuasion rather than by eloquence or oratory. He early took a leading position at the bar and maintained it during the years of his active practice. His candor, power of analysis, clearness of statement and logical reasoning made him a strong antagonist. He had a faculty of seeing through false issues to the very substance of the matter before him by a rapid analysis and a strong grasp of the question involved.

"When elected to the United States senate in 1875, while he still maintained his law practice, he no longer made all other business subservient to it; but at once met the claims and duties which his entry upon national political life imposed, and as his cares in that direction increased he practically withdrew from all active participation in legal affairs. As a member of working committees in the senate, as a political adviser, as a man of sound judgment, he took high rank among senators. He was recognized as dispassionate, calm, courteous and clear-headed. His work as chairman of the committee on claims in the senate, when claims for millions of dollars were presented for recognition and payment as the after fruits of the war, many of which were fraudulent and most of which were exaggerated, is recognized to-day as being thorough, conscientious and of great judicial merit. In all such work he was fair, painstaking and conscientious. As a member of the committee to investigate the condition of the freedmen in the south his methods in examining the gentlemen who presented themselves as witnesses did not at all times meet with approval by those who were called upon to answer his searching questions. He was seeking for truth and wanted that and that alone. Those who were annoyed by

his direct and forceful manner accused him of using the methods of cross-examination of a police court; but the accusation did not alter the fact that he had adopted the only way of bringing to light the truth he was seeking. . . .

"As a politician Mr. Cameron at all times firmly believed the success of his party was one with the country's welfare. Like a statesman, he always wished to steer rather than to drift as does the politician. He was a determined party man.

"Mr. Cameron took an active part as speaker of the assembly in 1867 in the repeal of the granger law, limiting the charges for passengers and freight on the railroads in this state. It was not at any time a popular party move. His claim, boldly sustained and advocated, was that the railroads then were the most potent factor in the prosperity and well being of the state and every community in it; that the legislation so crippled them that good service could not be had, resulting in the crippling of all business; the legislation was stricken from the statutes.

"As a citizen and a husband Angus Cameron was above reproach. He was a just and good man, a faithful and devoted friend. His character was grounded on sound moral and religious principles, to which he strove throughout his long life to be faithful.

"The church to which he belonged honored him and itself by conferring upon him the highest position accorded a layman. For years he was a member of the vestry, a delegate to the general councils, and to each and all of these he devoted time to fully perform every duty imposed.

"Viewing his completed life, we see a care-taking, methodical, discerning man, not brilliant, but shining with a steady luster long after brilliancy might have faded into darkness; a loyal man to his home, his church, his party, his friends; a successful man in all his affairs; a dignified man."

HUGH CAMERON.

Judge Hugh Cameron was the oldest son of Duncan Angus Cameron and Sarah MacCall Cameron. His father was a substantial farmer

residing in Caledonia, Livingston county, New York, who came of the Lochiel branch of clan Cameron. Both father and mother were natives of Scotland. Four sons came to manhood and made their residence in La Crosse, Wisconsin. Three were lawyers, one a physician. Dr. Dugald D. Cameron, a leading physician of La Crosse, was also a famous politician who seldom failed to land his friends in office. He died in 1867. Alexander Cameron was a young lawyer of much promise, with apparently a brilliant career before him. He united to the mental strength of the family the gift of eloquence. At twenty-two he was district attorney of La Crosse county. When twenty-four years old, in 1861, he entered the Union army as first lieutenant of the first battery, Wisconsin light artillery, and served until disabled by sickness. The hardships of the service brought on consumption, of which he died in 1864. Angus Cameron is mentioned elsewhere in this chapter.

Judge Cameron was born at Caledonia the 29th day of June, 1815. In youth he was apparently poor in health and of weak constitution, and his father singled him out for a scholar. In mature years he was the most robust of men. After fitting for college in schools near at home he was entered as a freshman at the university of Vermont in 1834. He pursued the four years' classical course and graduated with honors. German philosophy was taught at this college in those days, and in this branch of study the young student particularly excelled. It was a favorite pursuit in after life.

On leaving college he taught, in western New York, at the Avon academy for two years, reading law meanwhile with Amos Dann of the same place. He completed his law studies in the office of Hastings & Husbands, of Rochester, New York. In 1841 he was admitted to the bar in the supreme court at Rochester.

At first he practiced law in Livingston county, but after three years removed to Buffalo, New York, in the spring of 1847, continuing in practice at Buffalo for the next eleven years, or until 1858, when he came to La Crosse. In Buffalo he was a member of the firm of Wordsworth & Cameron. For two years in La Crosse and until his brother entered the army he was associated in practice with Alexander Cameron. In 1865 he was elected county judge of La Crosse county. He

held the office for the full term of four years, declining a re-election. Subsequently in March, 1881, on the resignation of Judge C. S. Benton, he was appointed by the governor to fill the vacancy in the office of county judge, and was elected at the end of the term to the same office.

Judge Cameron was married December 2, 1875, to Miss Caroline D. Starr, who survives him. She is the daughter of W. H. Starr, an old settler and prominent citizen of Burlington, Iowa, and a graduate of Yale college. They have had three children, two of whom survive. Judge Cameron was a member of the Episcopal church and had been a member of the vestry of Christ church, La Crosse. He died April 5, 1895.

Judge Cameron was one of that notable cluster of lawyers who came to La Crosse, Wisconsin, soon after the formation of the county and while the little frontier village was shaping itself into a city, and who elevated the La Crosse bar in point of ability into almost metropolitan proportions. They were a remarkable body of men, somewhat like the first fruits of the rich lands. They embraced Edwin Flint, William Denison, William H. Tucker, Alonzo Johnson, Angus Cameron and Hugh Cameron, named in the order of their arrival in La Crosse. Joseph W. Losey, who has since become the leader of the La Crosse bar, was then a young man reading law in the office of Mr. Denison. Judge Edwin Flint came in 1850, Judge Hugh Cameron in 1858. They were both graduates of the university of Vermont. They were older than the others, but were the last to pass over the silent river.

William Denison was a man of powerful build and great strength and courage, somewhat inclined to secure results by force and aggressiveness. This element of his character in the end was disastrous. He met his death in 1858 at the hands of a German farmer while urging his claims to fish for trout on the latter's premises with some show of force. Before coming to La Crosse he had been a gold miner in California. It was in the trial of the German for the homicide that Alonzo Johnson contracted the illness of which he died in 1860. Mr. Johnson and Mr. Tucker were quick, agile, alert, not wanting in resolution, but satisfied to rely on their wits. Each of them added to learning and skill the gift of eloquence. Mr. Denison was strong and forceful in speech, as

in all branches of professional labor, with, however, no pretense to the graces of oratory.

Among them all, however, the old man eloquent was Edwin Flint, the father of the La Crosse bar. It was not often that he warmed to his work, but on occasions when some unusual incentive roused the fires which usually slumbered in his mild and benignant bosom, drawing on his deep knowledge of the law, his matchless resources of argument, and on the accumulated store of his patient study in fields outside of and yet helpful to the law, he swept all opposition before him and reminded his brothers of the bar how useful it might be to them to let the lion sleep. Of Alonzo Johnson it is said that he excelled in every part of professional labor. He drew legal papers with rapidity and yet with such care and accuracy that they required no finishing touch. The intractable or unwilling witness never failed of being manageable in his hands. If the law was in doubt his fertile and ingenious arguments seldom failed of convincing the court, while as an advocate he was clear, bright, witty and convincing. A frail body held a bright, strong, restless spirit, and he died from his zeal in bringing to punishment the murderer of his friend.

Mr. Tucker, whose brief career at the La Crosse bar had so much of promise, went away to the war and on leaving the service made his residence elsewhere. Angus Cameron rose to be the leader of the bar and rounded out his career in the United States senate.

Hugh Cameron came among this unique body of western lawyers in a transition period. Mr. Denison died not long after his arrival, and within three years Mr. Flint, Mr. Johnson and Mr. Tucker had disappeared from the bar, Mr. Johnson by death, Mr. Tucker by entering the army, while Edwin Flint had gone upon the bench as circuit judge.

Judge Cameron was of mature years. On leaving college he had read law and was then for several years engaged in practice, at first in his native county and then in Buffalo, New York. His ability and learning fitted him on coming here to take the high position at the start which he continued to maintain. Large interests retained him; in nearly every important lawsuit he was on one side or the other, and his clients felt sure that their causes would be supported by learning

and zeal while he conducted them. In deep knowledge of the law, in skill in drafting legal pleadings; indeed, in drafting all legal papers, and in strong and accurate reasoning Judge Cameron had few equals among the lawyers of Wisconsin. He added to these accomplishments of the lawyer the graces of a profound and finished scholar and elegant writer. Heedless of fame and riches, valuing learning, scholarship and culture for their own intrinsic worth and the personal dignity and pleasure they afford one who possesses them, he was satisfied to pass his life outside the sphere of power and within the limits of competence.

JOHN J. COLE.

John J. Cole, formerly a member of the La Crosse bar, was born at Albany, New York, August 29, 1824; his academic and legal education was obtained there; at twenty-one he was admitted a member of the bar, his license as such in the supreme court being signed by Chief Justice Bronson, and his license in the court of chancery by Chancellor Walworth. In 1856 he came to Wisconsin and settled at Viroqua, where he practiced law with William F. Terhune; in a short time, 1857 or 1859, he removed to La Crosse, where he continued to practice until his last sickness; for a time he was in partnership with W. H. Tucker. Mr. Cole was a man of very considerable scholastic attainments, having an excellent knowledge of Latin, Greek, German and French. In politics he was a democrat, and was several times nominated by his party for office; but being resident in a locality where the opposition was in a majority, he failed of election. Almost his whole time was given to his profession, with the result that he was well versed in the law. His powers as an advocate were not extensive, but his capacity to argue logically and reach the judgment of a court or jury was undoubted. Mr. Cole died at La Crosse June 23, 1897.

THOMAS A. DYSON.

Thomas Alfred Dyson was born in Milwaukee, December 13, 1851; received his education at the public schools there; at the age of seventeen he was qualified to be phonographic reporter; in 1870 he was appointed reporter of the sixth circuit, about which time he became a

resident of La Crosse; he held that position until 1881. From 1873 until 1881 he attended the sessions of the legislature in the capacity of a newspaper reporter. In 1882 he entered into a law partnership with the late M. P. Wing; later his partner was Charles E. Servis. In 1886 he was elected state senator and served during the sessions of 1887 and 1889, being president pro tem. of the senate in the latter year. In 1887 he was appointed county judge of La Crosse county and served in that capacity until 1898. His death occurred at La Crosse April 29, 1898, the result of a fall down a stairway but two or three days previous. Mr. Dyson's energy and career were such as to justify a prediction of larger success at the bar than he had yet achieved if opportunity had been afforded him. In politics he acted with the republican party. Socially he was cordial. As a friend he was loyal.

JOHN COMSTOCK GAVENEY.

John C. Gaveney, of Arcadia, member of the firm of Gaveney & Cowie, was born in that town on the 30th of June, 1863. His father, James, a native of Ireland, and his mother, Maria M. Gaveney, were among the earliest settlers of the Trempealeau valley. The boy secured his early education in the public schools of his native place, after which he was admitted to the university of Wisconsin, graduating therefrom in 1885. Afterward he pursued the regular course in the legal department and was admitted to the bar in June, 1888.

Mr. Gaveney began the practice of his profession at Stevens Point, Wisconsin, in partnership with James O. Raymond, but upon the death of his father in 1889 settled in Arcadia to manage his estate. The duties connected with this responsibility, his profession and the public offices he has held make him one of the busiest and most prosperous, as well as among the most prominent, men of that section of the state. In his legal practice he is associated with R. S. Cowie, under the name of Gaveney & Cowie, the firm enjoying a large business and coming year by year into greater prominence.

Mr. Gaveney is a republican in politics and, like the majority of substantial and prosperous men, is married—the propitious event occurring on the 9th of April, 1890.

CHARLES W. GRAVES.

Charles W. Graves is a native of New York, having been born at East Aurora, Erie county, November 29th, 1854. His father, Lewis W. Graves, whose biography appears elsewhere in this chapter, was a lawyer of distinction. His paternal grandfather, Nathaniel Graves, was a Methodist minister. He married Amanda Wilmarth and settled with his family in Wisconsin in 1856, there following farming.

Having received his education in the common and high schools of Sparta, Charles W. Graves entered his father's office, where he remained for a number of years, but completed his preparatory study under the direction of A. E. Bleekman, of the same town. In January, 1876, having taken his examination before Judge Bunn at Sparta, he was admitted to the bar. An office was at once opened and a partnership formed with Judge F. F. Condit, a connection which continued for twelve months, and then for the following two years he associated himself with Mr. Bleekman. At the end of that time he moved to Viroqua, where he formed a partnership with C. M. Butt, which existed until 1894. He practiced alone from 1894 to 1897, when he formed a co-partnership with D. O. Mahoney, the present firm being Graves & Mahoney.

During his legal career he has taken an active part in a great number of cases of local importance. On June 1st, 1894, Mr. Graves was appointed county judge for four years in succession to Judge Wyman, who had been elected to the circuit bench.

Mr. Graves has at all times been a staunch democrat and has always endeavored to aid his party in its campaigns. He was secretary of the state board of world's fair managers of Wisconsin from June 1st, 1891, to May 1st, 1894, during which time he was stationed in Chicago, and upon him fell much of the laborious work of that board. Previous to this, in 1888, he had been a member of the railroad commission appointed to inspect a section of the Northern Pacific railroad. For a number of years he has been a member of the democratic state central committee and is also vice president of the Vernon county agricultural society.

In September, 1875, he was married at Sparta to Ida Rea, formerly of Oshkosh, who died in April, 1897. She was the mother of four children, Earl W., Ray B., Allen M. and Ada.

Judge Graves is a man of studious habits and of pronounced literary and artistic tastes, a hard worker and universally respected and admired not only for his abilities, but also for his strong personal worth.

LEWIS W. GRAVES.

A record of worthy members of the legal profession of this state would be incomplete were it wanting notice of the life of Lewis W. Graves, who, after a long and respected career, died at Sparta, May 3d, 1876.

Mr. Graves received his education in the common school at Springville, New York, and later studied law at East Aurora, Erie county, in the office of Albert Sawin. In 1853, having taken his examination at Albion, New York, he was admitted to practice and immediately started in business for himself, and followed his profession in that state until 1856. Then he decided to seek the better possibilities of the west, and, settling in Sparta, Wisconsin, formed a partnership first with Milton Montgomery, afterwards with Judge Morrow, and then finally with Judge E. G. Wheeler, Mr. Graves being the senior member of each firm.

Mr. Graves took a prominent part in most of the important litigation and the leading cases which took place during his first years in that section of the country. Later he made a specialty of criminal practice and gained the reputation of being one of the ablest criminal lawyers in Wisconsin, having tried many of the leading criminal cases in western Wisconsin from 1865 to 1875.

In his political views he was always a democrat. His estimation in the party was shown by his election as district attorney, an office he filled with credit to himself and full satisfaction to the people. He was also a delegate to the national democratic convention which nominated McClellan.

Mr. Graves was married at East Aurora, New York, on August 31st, 1852, to Mary J. Waldo. They had three children—Charles W., who

took up his father's profession and of whom there is a sketch elsewhere in this volume; Frank H., editor of the Vernon County Leader at Viroqua, and William Graves (deceased).

EDWARD C. HIGBEE.

The son of Jesse M. and Caroline (Councilman) Higbee, the subject of this sketch, is a native of Adams county, Wisconsin. His father was born in Ohio, and his mother in Pennsylvania, coming to this state in 1852 and settling in the county where their son, Edward C., was born, September 16, 1855. For ten years Mr. Higbee was superintendent of schools for Adams county, having previously been a successful teacher; since when he has been engaged in agricultural pursuits.

The son attended the common schools of Plainsville, Adams county, and the Kilbourn City high school; was also a member of the class of 1877 at the state university during the freshman year. When seventeen years of age he commenced to teach school and was thus employed for two winter terms, 1872-1874. It was during this period that he commenced the study of law, to which he seemed so naturally to gravitate. Considering it advisable, however, to take a regular course, he entered the law school of the university of Wisconsin, graduating therefrom in 1876.

He at once settled in Arcadia, Wisconsin, where he opened an office for the practice of his profession, and in 1880 formed a partnership with T. J. Connor, under the name of Higbee & Connor, which continued for two years, when he became associated with Henry Comstock, under the firm name of Higbee & Comstock. This partnership continued for about one year, after which time, until 1896, Mr. Higbee continued alone. In 1885 he moved to La Crosse. In 1896 he formed the partnership with G. W. Bunge which still exists as Higbee & Bunge.

Mr. Higbee has always had and now enjoys a large general practice. He appears frequently in cases of importance before the supreme court, where his original contentions are very generally sustained.

Mr. Higbee's political views are republican, although he is not a politician and has never desired nor sought office, having always considered a faithful discharge of professional duties a sufficient demand



J. B. Cooney

upon one's strength, time and abilities. He is a member of the Elks, but identified with no other secret or benevolent society.

In 1877 Mr. Higbee was married at Chicago to Ella M. Bacon, who died in November, 1886. He has three children, Roscoe B., Ina and Jesse E. The first named is one of the sturdy young men who saw service in the Spanish war, being a member of company M, third regiment, Wisconsin volunteers.

JOSEPH W. LOSEY.

It is often said that the world does not always know its great men, and the truth of this statement is verified in the history of every nation and state. During years of peace and quiet, when the orderly course of events is permitted to flow on undisturbed by menace and danger, aspiring men, eager to force themselves into public view and to reach places of prominence and power, press forward, secure the prizes and pass for and seem to be the great men of the state. Quite often it happens that they are fair weather sailors merely and give up the helm to others when stress and storm beset the ship of state. Every great upheaval in a nation attests the truth of Bismarck's biting sarcasm, applied in a larger way, that many men are but painted laths, merely representing swords.

This general truth applies not only to the supremely great who have grappled with the whirlwinds and conserved the fate of nations, but to those whom fortune has placed in spheres more circumscribed. They, also, within their orbits, are stars of the first magnitude.

Another consideration will explain the reason why it is that the men who are often really the best fitted for public stations do not usually seek them. In highly civilized countries, like our own, and in a great commercial age the highest prizes seem to many to be those which are won in the departments of trade, commerce and transportation and in the learned professions. The glamour of office, the love of place, the subtle attractions of public life have ceased to draw and inspire men as in the past, and the emoluments and the dignified enjoyment which reward success in private pursuits have attracted and satisfied talent, genius and ambition. This tendency of the times is

changing, and in the future will, doubtless, modify very greatly the estimate which will be formed of the fitness of men engaged in these pursuits for public stations and urge the propriety of calling them away from their private affairs into the service of the public. In England, where formerly, when titles were to be given out, they were bestowed almost solely on distinguished statesmen, diplomats and soldiers, the custom, which had become indurated by the usage of centuries, is now broken in upon, and successful merchants, bankers, railroad managers and great scholars, writers, artists and lawyers, and even actors, are made the recipients of the prizes which the sovereign bestows as rewards of merit. It need not, then, be a matter of surprise, in viewing the life of a lawyer who has displayed marked ability through a long and successful career and has furnished proofs enough in forensic triumphs of mental power, to find no mention of the public stations he has occupied. The following sketch relates to such an one:

Joseph W. Losey is a link between the past and the present at the La Crosse, Wisconsin, bar. Only fourteen years had elapsed since Nathan Myrick, an Indian trader, and the pioneer settler of La Crosse, built his solitary cabin in the spring of 1842 on the prairie where the city stands, when, in May, 1856, Mr. Losey, a young man of twenty-one years, fresh from college, eager for the excitement and adventure of far western life, too restless to remain in the east for his professional training, landed in the little frontier village and entered a law office as a student. He stopped only long enough after his arrival, before taking up his law books, to earn a little money by pulling lumber out of rafts in the Mississippi river to defray his expenses for a short time. After that he made the law support him. So far as any one knows, he was the first student to enter a lawyer's office in La Crosse. When, after having completed his studies, he applied for admission to the bar in the fall of 1857 at the term of the circuit court held at Sparta, in the neighboring county of Monroe, he was the first lawyer ever admitted to the bar in that county.

Mr. Losey was born December 30, 1834, at Honesdale, Wayne county, Pennsylvania, and grew up there to manhood. He was robust and athletic, fond of all youthful sports, and excelling all others in run-

ning and leaping. His father was Dr. Ebenezer T. Losey, a physician of extensive practice; his mother, Mrs. Lucy M. (Walton) Losey. He received his education in his native village (where he fitted for college at the Honesdale academy) and at Amherst college, entering in the fall of 1853 and remaining to the beginning of the junior year in November, 1855. After teaching school for a few months he came west the following spring. Some slight difference of opinion with his father about his future career decided the change. The physician desired that his favorite son should follow in his footsteps and ultimately succeed him in the medical profession. The son had wider views, and unwilling to pass his life among his native hills in what seemed to him a circumscribed career, struck out for the boundless west with health, vigor and self-reliance, a good education and fine native talents.

With them he brought the happy faculty of making and keeping friends, industry which never flagged and determination which won the friendship of fortune. After about eighteen months' study in the office of Denison & Lyndes, leading lawyers at La Crosse, he was admitted to the bar in October, 1857. His admission was hastened that he might take the office of district attorney of La Crosse county. He was elected to that office in the following month of November for the term of two years and in November, 1859, was re-elected for a second term. In this position he greatly distinguished himself. In those early days the hand of violence was much oftener lifted than in these quieter times, and prosecutions for homicides were quite frequent. The young attorney spared neither time nor labor in the conduct of such trials and seldom failed of securing conviction, even when confronted by the ablest lawyers the defense could secure. So great was his success in criminal trials that long after he ceased to be the public prosecutor he had the monopoly of that class of business until the magnitude of his civil practice caused him to relinquish it.

On the death of Mr. Denison, in the fall of 1858, Mr. Losey formed a law partnership with Judge James I. Lyndes, under the firm name of Lyndes & Losey. In September, 1861, he associated himself with Angus Cameron, under the firm name of Cameron & Losey. Mr. Cameron entered the United States Senate in March, 1876, and at that time

practically withdrew from active practice. Charles W. Bunn, a son of Judge Romanzo Bunn, district judge of the United States court for the western district of Wisconsin, a young lawyer of great promise, now residing at St. Paul, Minnesota, and who has won a position in the front rank of great American lawyers, was then associated in the firm, which continued under the name of Cameron, Losey & Bunn. Mr. Bunn withdrew from the firm and went to St. Paul shortly prior to 1886, when Senator Cameron also retired from the firm and from active practice. The traditions of this law office were, however, maintained. Mr. Losey brought into the firm, Gilbert M. Woodward, formerly a member of Congress from this district, a veteran soldier of the famous Iron Brigade, a learned and distinguished lawyer and a gentleman of superior scholarly acquirements. The strength and fortune which have attended the firm in the past now continue in the firm of Losey & Woodward.

As has been said, Mr. Losey first displayed his remarkable ability in the trial of causes while he was district attorney. He brought, however, to the conduct of civil actions the same resources of vigor, ceaseless labor and superior management. He has won great lawsuits enough to make the fortunes of half a dozen ordinary lawyers. The instance is not on record of his going out of court by non-suit, nor of having a case taken from the jury and a verdict being directed by the court. He has seldom failed of securing a verdict in actions in which he has appeared for the plaintiff. In causes which he defends, the plaintiff is sure to fail if a successful defense is possible.

This phenomenal success is due to causes which lie upon the surface. No great and masterful efforts of the advocate, sweeping away all opposition and compelling the wills of men by the magic of speech, have gained him success. He has great strength and power as an advocate, but he has relied on these only to supplement his careful and thorough trial of his cause. To a thorough knowledge of the law, to an almost intuitive perception of the view the court will take of the law and of the view which the jury will take of the facts, he unites the most rugged common sense. To these great traits of a lawyer he adds incessant labor in the preparation of a case; skill, perfected by long

practice, in presenting the facts of his case, and the quickest perception of the bearing and effect of the evidence of his opponent. When to these qualities we add a genial, cordial, good-natured disposition which attracts the friendship and favor of men, a self-reliance which never shows embarrassment and never provokes antagonism, and that sort of personal dignity, resolution and sense of authority which ward off and overthrow attempts to trifle with or infringe upon his own or his clients' rights, and which sometimes buttress up a cause not altogether too strong, we are sure of portraying a superior lawyer and a remarkable man.

Mr. Losey is general attorney of the Chicago, Burlington & Northern railroad, and was formerly general attorney of the Southern Minnesota railroad until it was bought by the Chicago, Milwaukee & St. Paul railroad. He has been the local attorney of the latter road for the past twenty-five years and upwards.

He has not limited his activity to his profession. For a period of ten years he served the city as an alderman. He accepted and retained the office that he might be of service in commencing and carrying forward much needed public improvements. His service began at a time when sidewalks did not extend beyond the business portions of the city, when there were no macadamized streets, no sewers and no general system of water works.

Perceiving that the time had come when such improvements must be made or the progress of the city retarded and its growth stunted, he entered upon the task of inciting the enterprising, stirring up the laggards and combatting the conservatives. Through his efforts these improvements were begun and completed.

It happens usually in new towns of rapid growth that there is a general neglect of the burial place of the dead. The immediate concerns of the living engross attention and there is no united effort to embellish the last home and resting place of all. So it was in La Crosse. The cemetery was in an out-of-the-way place which could not be reached in summer or winter with convenience, and which on account of neglect was forbidding rather than attractive. Mr. Losey took the matter in charge about twenty years ago and has since then had the entire man-

agement of the cemetery. He soon changed it into an attractive and beautiful place with convenient and handsome approaches. It has been to him a labor of love, and receives the same forethought and care as his private affairs. In all public and charitable matters he gives freely without ostentation.

In 1859 Mr. Losey was married at La Crosse to Miss Florence T. Lehman, a daughter of Germany. They have four children, Mary, wife of L. F. Easton, of La Crosse; Josephine, wife of Dr. Carl Behrendt, a physician of Berlin, Germany, and Fannie and Joseph Walton.

DANIEL O. MAHONEY.

Daniel O. Mahoney was born June 8th, 1854, at Mount Morris, Livingston county, New York. His parents, Patrick and Mary (Kingston) Mahoney, were both natives of Ireland. In 1856 his father, who followed farming as an occupation and who for some time had settled in New York, located in Dane county, Wisconsin, and it is to this farm, upon which he was raised, that Daniel O. Mahoney's earliest recollections carry him. His education was obtained in the district schools in Dane county, in the Northwestern business college, and was finally completed at the university of Wisconsin. In the meantime, to meet his college expenses, he taught school and also worked for a time on a farm in Dane county. He removed from the latter in 1879 to take charge of the Ontario graded school and he there remained for five years as principal of that institution. He resigned in 1885 to accept the county superintendency of the schools of Vernon county, an honorable responsibility he retained for eight years, discharging every duty in such a manner as to give entire satisfaction to every one concerned.

His determination made to become a lawyer, he studied for the necessary time with the firm of Bashford, O'Connor & Aylward in Madison, and in 1895 was graduated from the law school of the Wisconsin university. Two years later, in 1897, he was elected judge of the county court for a term of four years. A law partnership was formed in November, 1897, with former Judge Charles W. Graves, under the firm title of Graves & Mahoney, an association which beyond all question is

one of the strongest in their district and which at once took its place among the leading law firms of that portion of Wisconsin.

In his political views Mr. Mahoney is a strong republican and has done excellent service as a speaker for his party during the last six campaigns through western Wisconsin and has also been several times a delegate to state and congressional conventions. His high reputation and general consideration have been recognized by his election twice (1893-1895) to the state legislature, where he was chairman of the committee on education and member of the committee on privileges and elections and was prominently mentioned as a candidate for speaker of that body. He also served as town clerk and justice of the peace for the town of Whitestown in 1894. Then for three years, from 1893 to 1896, he was president of the school board of the city of Viroqua and he has also been visitor to the Platteville and Milwaukee normal schools. With educational work he has ever been most closely identified and his labors in that direction are fully recognized throughout the state.

Mr. Mahoney joined the Odd Fellows in 1883 and has held the chair of noble grand district deputy. Of other fraternal organizations he belongs to the order of Modern Woodmen of America, of which he is now venerable counsel, as well as to the Independent Order of Foresters.

For some time he was connected with newspaper work as a member of the Mahoney, Alexander & Mahoney Publishing company, of La Crosse, and upon him devolved some portion of the responsibility for the publishing of the La Crosse News. At the present time he is president of the Vernon county agricultural society and is strongly interested in farming, stock raising and fruit growing.

He was married in 1884, at Ontario, Wisconsin, to May E. Welsh, and they have an interesting family of two children—Emmet and Nellie.

CHARLES M. MASTERS.

Charles M. Masters was born October 1st, 1841, at West Springfield, Massachusetts. His father, John McMasters, followed farming as an occupation, and he now, at the age of ninety-two, enjoys the

evening of a healthy and well-spent life. John's grandfather came from Scotland, locating at Amherst, Massachusetts, as far back as 1700. John McMasters married Laura Bissell, a member of the Bissell family who left England and settled in Connecticut in colonial times. The maternal grandfather was a Bissell, an Englishman born, and the grandmother of our subject was also from England, having located in this country at Windsor, Connecticut. The change in the name from McMasters will be noticed, the "c" was dropped and the "M" made a middle initial by the gentleman of whom we are writing.

Charles M. Masters received his education at Amherst and Wilbraham academies, in Massachusetts, taking the academic and language course, following which, for two years, he taught school in Connecticut, then came west and for one and a half years was engaged in insurance business in Minnesota. His next move was to Sparta, where he engaged in the stationery business, at the same time studying law under L. W. Graves. His studies completed, in 1871 he took his examination before Judge Bunn at Sparta and was admitted to practice. For six months he was alone, a partnership being then formed with Judge Morrow, which has existed to mutual satisfaction and profit up to the present time. The law practice of the firm is of a general character, but the standing of Mr. Masters and his estimation among the community in which he lives was shown by his election for two terms as county judge of Monroe county, he having held that responsible position from 1878 to 1886.

He belongs to the Ancient Order of United Workmen and has held a number of high positions therein—first, as master of his lodge, then as grand master, for several years served on the committee on laws as representative in supreme lodge, and in 1888-89 was supreme master, since which time he has been on the board of arbitration of the supreme lodge.

Mr. Masters' business mind also has found other outlets. In the '80s he was connected with the Sparta board of trade, a business men's organization, and he has also been a stockholder and director of the Monroe county bank since the organization of that institution.

He was married December 7th, 1865, at Bangor, Wisconsin, to Ella

Seely, a native of Syracuse, New York. She died in 1882, one child, Louise B., four years and a half old, preceding her in August, 1878, and leaving a son, Harry J., now seventeen, who is attending school at Sparta in preparation for the university.

In his political views Mr. Masters is a republican. He belongs to the Congregational church and is strictly temperate in his views.

G. C. PRENTISS.

G. C. Prentiss was born at Georgia, Franklin county, Vermont, January 11, 1824; admitted to the bar in September, 1847, and practiced in his native state until 1852; came to Wisconsin in November, 1852, and settled at Portage; there formed a partnership with Luther S. Dixon, which continued until 1857; in 1872 removed to La Crosse and practiced as a member of the firm of Wing & Prentiss. At the time of this writing is a justice of the peace in La Crosse.

DANIEL B. PRIEST.

Daniel Badger Priest was born in Putnam county, Indiana, March 9, 1830; his first location in Wisconsin was at Monroe, Green county, where he opened a law office in 1851, being then twenty-one years of age. In 1855 he removed from there to Richland Center, where he practiced law until 1861, at which time he went to Viroqua, practicing there until 1868, when he became a resident of Sparta. He died there September 6, 1870. In 1863 and 1868 he represented a portion of Vernon county in the assembly.

JACKSON SILBAUGH.

Jackson Silbaugh was born October 15th, 1863, in Vernon county, Wisconsin. Of his parents, Sebastian and Nancy (McClain) Silbaugh, the father was by occupation a farmer in Ohio and engaged chiefly in stock raising. He removed to Wisconsin in 1854 and continued farming until his death in 1871. The mother died in 1875.

Jackson Silbaugh received his education in the schools of Vernon county and in the high school of Viroqua, graduating from the latter in 1884, and studied law for a year in the office of C. J. Smith. He then

went to New York and graduated from the law department of the Union university, Albany, in 1888. Admitted to the bar in 1888 by the examining board at Milwaukee, he at once returned to Albany to take charge of the collection department of an installment house. The work, however, was found not exactly congenial and he returned to Viroqua and afterwards opened a law office for himself. In the spring of 1893 the necessities of his rapidly growing business obliged him to take a partner and his association with the late John S. Larson was then formed.

He has been connected with a number of very interesting cases, among which may be mentioned the prosecution and conviction of Sullivan for murder in June, 1897, and the defense of Andrew Engebretson for the poisoning of his family, where, though unsuccessful in procuring an acquittal, six years in the penitentiary was the light sentence imposed. He was associated with ex-Congressman O. B. Thomas in the defense of the Harris murder case, tried at Prairie du Chien, Wisconsin, in November, 1897.

In 1891 the good opinion of his fellow-citizens was made manifest by his appointment as assistant clerk of the senate and two years later, in 1893, he became journal clerk, being in the same year appointed postmaster of Viroqua, being by many years the youngest man that had ever held the office. He held the office of postmaster of Viroqua for four years and one month under the Cleveland administration, and left the office with the highest praise from all, regardless of party. Senator Munson gave him the following mention in the Censor: "Of Mr. Silbaugh's administration as postmaster the Censor believes naught but good words can be said. The principal and his assistants, Miss Suttle and Mr. Nordrum, have been courteous, obliging and faithful, and patrons of the office have been served without partiality. The Censor, which probably does more business through the office than any other patron, desires to go on record with this testimonial."

Mr. Silbaugh became a Mason in 1892, is a Knight Templar, Sparta commandery, No. 16, and a member of the Eastern Star. He has been an Odd Fellow from 1887, is a member of camp 60, and for several years has served on the judiciary committee. He is at the present time deputy grand master of the state, and his speeches throughout the

state speak conclusively as to the activity of his interest. He has a fine voice and is a member of the choir of the Congregational church. In bicycling and all outdoor sports he takes a very great interest.

CHARLES J. SMITH.

Charles J. Smith was born in Buffalo county, Wisconsin, January 22d, 1858. Concerning his parents, his father, Melford P. Smith, was by occupation a farmer, who, starting in life without other resources than the ability to work and the persistence that knows no result other than a successful one, is now the proprietor of one of the finest farms in southern Wisconsin. He married Ada, daughter of David and Deborah Adams.

It was as an infant of six months that Charles J. Smith first moved into Grant county, where his parents are still living. Originally from Pennsylvania, they had settled in Wisconsin in 1852. Young Charles found his education in the common schools of Grant county, where he remained until he was nineteen. He then attended the state normal school at Platteville, from which he graduated in 1881. Afterwards for three years he held the position of principal of the high school at Viroqua. Having taken up the study of law with Judge Wyman at Viroqua, he later entered Albany law school, graduating from the latter institution in 1886. He was one of four orators appointed to represent his class at commencement and was chosen valedictorian. It was in July, 1886, at Madison, that he obtained his admission to the bar and without any delay settled in Viroqua. He practiced alone until 1895, when the partnership, which still exists, and to mutual success and profit, with Ira S. Griffen, was entered into.

Mr. Smith has been connected with a number of interesting and important cases, and, as possibly the most notable, may be mentioned the Sullivan murder case defense, which is still pending in the supreme court. The accused was tried for murder in the first degree, but the jury convicted him in the second, upon which Judge Wyman, not believing such a verdict would stand, certified the case to the supreme court for a decision on a point of law.

In his political affiliations Mr. Smith has at all times been a repub-

lican and his services to his party are thoroughly recognized. Throughout every campaign for the last twelve years he has stumped the entire state in the interests of the republicans. Elected district attorney of Vernon county, he held that position from 1891 to 1897; from April, 1893, to April, 1895, he was mayor of Viroqua, and at the present time he is president of the board of education, of which he has been a member for the past eight years. For five years he was city attorney and for four years city clerk.

He is a Knight Templar, a member of Sparta commandery, No. 16. He was master of La Belle lodge, A. F. & A. M. at Viroqua for two years and he also belongs to the order of Modern Woodmen.

On September 4th, 1889, he was married at Trempealeau, Wisconsin, to Eda M. Blume, who for five years was a teacher in the Viroqua schools. They have one child, Kenneth B., a bright boy of five years.

Notwithstanding the heavy demands upon his time made by his profession, Mr. Smith still finds opportunity to do considerable work on the farm of two hundred and forty acres of which he is the proprietor, and where he finds his chief recreation. Here also he raises and deals in fine full-blooded Jersey cattle, Poland China hogs and Southdown sheep, his stock having already obtained a reputation which is not bounded by the limits of the state of Wisconsin.

MILLS TOURTELLOTTE.

Mills Tourtellotte, son of Monroe L. and Louisa C. (Mills) Tourtellotte, was born in Holyoke, Massachusetts, August 31, 1853. His ancestry in America, on the paternal side, is traceable back to 1640, when Gabriel Bernaugh, a Huguenot, settled in New England. Some years later his daughter married Abraham Tourtellotte, who emigrated from France in 1660 and settled in Rhode Island. The mother of Mills Tourtellotte was a member of an old New England family. His maternal grandfather was one of the earliest plow manufacturers in Connecticut and was a man of wealth and influence in the community in which he resided. The paternal grandfather of Mr. Tourtellotte was also one of the foremost citizens of Connecticut; he was a member of the legislature of his state and was an enterprising and progressive man of affairs.

Monroe L. Tourtellotte and his family moved to Wisconsin in 1855 and settled in La Crosse county, where a tract of land near the village of West Salem was purchased and upon which they resided for a number of years. An uncle of Mills Tourtellotte, Colonel J. E. Tourtellotte, was on General Sherman's staff until the latter was retired. Colonel Tourtellotte died July 22, 1891, and is interred in the national cemetery at Arlington, Virginia.

Mills Tourtellotte's boyhood was passed in West Salem, where he attended the common and high schools. Later he entered the university of Wisconsin and was graduated from the university law school in 1875. In that year he located in La Crosse and after further pursuing his legal studies in the offices of B. F. Bryant and Lyndes & Burroughs he became associated in the practice of his profession with W. E. Howe. The firm of Howe & Tourtellotte continued until 1880 and thereafter Mr. Tourtellotte formed no partnership until 1886, when the firm of Bleekman, Tourtellotte & Bloomingdale was organized. This partnership was continued with success until 1891, when, owing to the stress of private business, Mr. Tourtellotte decided to withdraw. Since then he has practiced alone. He has been successful in his profession. His clientage is composed of the most substantial citizens in La Crosse. He is financially interested in several corporations, and, although in general practice, the most of his professional career has been devoted to corporation law. His name, however, is rarely seen upon any court calendar and he seldom appears as a pleader at the bar, but acts as consulting counsel to several of the most important local corporations and his work is confined almost exclusively to office practice. He is president of the La Crosse Carriage company.

He was married in 1878 to Miss Lillie C. Woodbury, of Somerville, Massachusetts; they have four children—Lillie W., Augustus M., Wallace L. and Nathaniel M. Mrs. Tourtellotte is the only child of Captain W. W. Woodbury, of Boston, Massachusetts, an officer of the civil war, who died in 1891.

Mr. Tourtellotte is a member of the vestry of Christ Episcopal church of La Crosse. Politically he is a firm advocate of republican principles. He is in no sense a politician nor an office seeker, but does

his utmost to aid the party in its battles. He is domestic in his tastes and loves his home above all else.

MERRICK P. WING.

Merrick P. Wing, formerly of La Crosse, was born at Hinsdale, Massachusetts, September 10, 1833; his parents removed to Michigan when he was about four years of age, and he remained there about sixteen years, when he returned to his birthplace and completed his education at the academy there. In 1855 he came to Wisconsin and located at Portage, where he began the study of the law at a subsequent time; in 1861 and 1862 he was a student in the law department of the university of Michigan; was admitted to the bar at Portage in 1862; the following year settled at La Crosse, where he practiced until his death; he was for several years in partnership with G. C. Prentiss and later with Thomas A. Dyson. From 1877 to 1882 Mr. Wing was state senator. His death occurred April 11, 1895.

Mr. Wing's reputation as a lawyer rests upon his industry and skill in preparing cases for trial and his ability as an office lawyer. He was less than commonly favored with the graces of oratory; indeed, a hesitancy in speech made him less than an interesting speaker so far as his manner was concerned. As a senator he was active and mainly instrumental in bringing about a change in the method of publishing the supreme court reports, whereby their price has been very materially reduced. The legislation fathered by him in 1878 has been quite generally adopted in other states.

GILBERT M. WOODWARD,

of the firm of Losey & Woodward, of La Crosse, was born in Washington, D. C., December 25, 1835. His father, William Woodward, was a printer; his paternal grandfather removed from Washington to the vicinity of Marietta, Ohio, about 1804; his paternal great-grandfather was a soldier of the Pennsylvania line in the revolutionary war; his mother belonged to the family of the Rittenhouses, of Philadelphia, and was born on Chestnut Hill, now in that city.

In 1850 Mr. Woodward was apprenticed to learn the printing trade,

and from that time until he came west, in 1860, worked as a compositor and proofreader; prior to 1860 he worked on country newspapers in southern Maryland. His education was obtained in the common schools, printing offices, and by general reading. Preparation for admission to the bar was made in the law office of Cobb & Messmore, at La Crosse; admission occurred at Black River Falls in March, 1861. On coming west Mr. Woodward settled at La Crosse, where he has continued to reside. From 1866 until 1876 he was in partnership with S. S. Burton; in 1889 he formed a partnership with J. W. Losey, which continues to the present time.

In May, 1861, Mr. Woodward entered the military service as a private of company B, second Wisconsin infantry; in September, 1861, he became orderly sergeant; August 25, 1862, was promoted to second lieutenant; September 14, 1862 to first lieutenant; in May, 1863, became adjutant of that regiment and held that rank and position until mustered out, though he served occasionally as aide on brigade and division staff. His military service was that of the second Wisconsin infantry volunteers. He was in every engagement in which that regiment took part, except the battle of Antietam, from which he was absent by reason of sickness.

Mr. Woodward was a republican in politics until 1872; since then he has acted with the democratic party; in 1896 he voted for Palmer and Buckner. His public service includes the offices of alderman, mayor and city attorney of La Crosse; district attorney of La Crosse county; membership in the house of representatives in the forty-eighth Congress, and of the state board of examiners for admission to the bar, the latter position now being occupied by him.

CHAPTER XXII.

THE SEVENTH CIRCUIT, ITS JUDGES AND LAWYERS.

The seventh circuit was provided for in 1853, and an election held for judge thereof in April, 1854. It was originally composed of the counties of Adams, Waushara, Waupaca, Portage and Marathon, and is now constituted of the counties of Adams, Portage, Waupaca, Waushara and Wood. George W. Cate was the first judge, Gilbert L. Park the second, and Charles M. Webb the third.

THE BENCH.

GEORGE W. CATE.

The editor acknowledges his obligations to George W. Cate, of Stevens Point, for the following sketch of his life. Mr. Cate's career in Wisconsin extends over more than half a century. As a citizen, lawyer, legislator and judge he has left a marked impress on the history of the state and made a record which ought to inspire young men and which is highly creditable to him and the state.

"Born September 17th, 1823, at the town of Montpelier, Vermont, my parents were Isaac Cate and Clarrisa Cate. My father was a farmer; in politics a Jacksonian democrat, and a soldier in the war of 1812. His father, Enoch Cate, was a soldier in the war of the revolution and served in the army of Washington.

"I was desirous of going to West Point military school and my father made application to Secretary of War Joel R. Poinsett, but the humble farmer lacked the 'pull' necessary to obtain such position for his son, and no attention was paid to his efforts.

"Was educated at the common schools of the country and the so-called private schools, extending to the common branches, reading, writing and spelling, arithmetic (including algebra), geography, history and English grammar. These constituted about all that was taught in those schools at that time. No examination was given those applying

to teach as to their qualifications, and so, when seventeen years of age, I became a school teacher winters.

"In the winter of 1840 I began the study of law in the office of Joseph A. Wing, Plainfield, Vermont, and remained in his office about three years, and a little more than a year in the office of H. Lucius B. Peck, then a leading lawyer in the central portion of the state. I was admitted to the bar in Montpelier, Vermont, in April, 1844, before Judge Isaac F. Redfield, after being critically examined as to my qualifications by a committee consisting of Newell Kinsman, of Barre; Harvey Carpenter, of Northfield, and Oliver H. Smith, of Montpelier.

"During that year I attempted to do business in the little villages about my home because my friends thought that was better for me than to go into a new country without means; but it was up-hill business, and I soon learned that legal business of any magnitude or that was worth doing was controlled by the old established lawyers, who not only wanted it, but were able to keep it. Greeley had not then made his famous saying, but it occurred to me that was the thing to do, and so by the spring of 1845 I had determined to cast my fortune in the then far west, and very soon put it in execution and arrived at Mineral Point, Wisconsin, near the close of the season, without money, which fact I imparted to one Lathrop, keeper of the Franklin house, to which he suggested that I chop for him some cordwood, and it finally resulted that I took a two months' job at five shillings per cord, building myself a sod shanty and boarding myself. At the completion of such work, and lacking the nerve to open a law office without cash in reserve, I hired to Abraham Brawley, a lumberman of the upper Wisconsin, to go there, nearly two hundred miles, which I did by driving a team of four oxen and Hoosier wagon loaded with supplies, camping at nights. Arriving in the pinery I worked for two years in the woods, in sawmills and running lumber down the river to St. Louis, and, finally, on the first of January, 1848, I opened a law office at Plover, then the county seat of Portage county. Considerable legal business and plenty of offices came to me. The same year I was made deputy postmaster, deputy register of deeds and deputy clerk of the board of supervisors. The next year I was elected district attorney and held the office two

terms. I was elected register of deeds and county clerk and several times chairman of the county board. During my term of district attorney I prosecuted several cases of high crimes and one charge of murder. The county of Portage at that time embraced the present county of Adams, western half of Waushara, the counties of Wood, Portage, Marathon and Lincoln. At the general election in the fall of 1851 I was elected to the assembly from the county of Portage, then composed of the territory within Lincoln, Marathon, Portage and Wood counties, and re-elected the next year. In the latter session I was chairman of the judiciary committee and one of the managers in the impeachment trial of Judge Hubbell.

"In 1850 I formed a partnership with the late Chauncey Abbott, of Madison, under the firm name of Abbott & Cate. In 1852 I formed a law partnership with the late Luther Hanchett, under the name of Cate & Hanchett, which continued until my election to the judgeship as hereinafter stated. On the first day of January, 1886, was formed the law firm of Cate, Jones & Sanborn, composed of G. W. Cate, D. Lloyd Jones and A. W. Sanborn, and continued until the first day of January, 1896, when was formed the firm of Cate, Sanborn, Lamoreux & Park, composed of G. W. Cate, A. W. Sanborn, F. B. Lamoreux and B. B. Park, still in existence, which proved to be the most happy business association in every respect.

"I draw from memory some of the more important criminal cases that I and my partners have been engaged in: Mead, a prosperous banker in the city of Waupaca, was found dead in his office Sunday morning, May 7th, 1883, no doubt brutally murdered. A man named Vandecar was arrested, charged with the murder; he was prosecuted by J. F. Dufur, district attorney, and defended by the writer, and acquitted after a laborious trial. Ten years later four other persons, citizens of the city of Waupaca, were arrested, charged with the murder. The prosecution was conducted by B. M. Goldberg, district attorney, and Joseph V. Quarles, and the said firm of Cate, Jones & Sanborn conducted the defense. After a trial lasting nearly sixty days the defendants were acquitted.

"Louis LaMere, a respectable man, suspecting that his wife was un-

true to him, staid away from his house, but went in one morning and found a man there whom he suspected of having passed the night there. He shot him dead on the spot. He was prosecuted for murder. He was defended by the firm of Cate, Jones & Sanborn and acquitted.

"W. W. Haseltine, an attorney at law, suspecting that one Morse, a banker, was having improper relations with his wife, beckoned Morse, who was passing in a buggy, up to the sidewalk, when Haseltine seized the braces of the buggy top and commenced firing at Morse with the other hand. The horse ran, but Haseltine hung on, firing as he ran until his gun was emptied. Morse fell out dead. Haseltine was prosecuted by Winans & Fethers, of Janesville, and Cate, Jones & Sanborn had charge of the defense, and the defendant was acquitted.

"Haseltine, pretending to believe that John D. Curran was implicated in the intimacy between Morse and his wife, meeting Curran in the street, a fight occurred, both parties being armed, and Haseltine was killed. Henry Curran, being near by at the time of the affray, both the Currans were prosecuted for murder, and the case was tried in the county of Waupaca and resulted in an acquittal of the defendants. Cate, Jones & Sanborn were principal counsel for the defense.

"I was employed in the trial of important cases, civil and criminal, in most of the counties north of Portage City, among which the most noted was that arising out of the robbery of the Iron Exchange bank, of Hurley, of four thousand dollars. Several trials were had, finally resulting in the conviction of the defendants. The money was never discovered. I was engaged in the defense. The first trial occupied more than a month and resulted in a disagreement, the jury standing nine for acquittal.

"I became a member of the Masonic fraternity in 1856, Evergreen lodge, Stevens Point, Wisconsin, speedily advancing to the degree of Master Mason; beyond I never had ambition to go, and held no official positions in the lodge. I have not been connected with charitable, mercantile or financial institutions; my time and thoughts were wholly occupied with professional duties, and I had no taste in that direction.

"I was married October 24th, 1851, to Levara S. Brown. Eight

children have been born, six of whom are alive, Albert G., Lynn Boyd, Henry B., Carrie Levara, Ruth Gray and Georgiana.

"My parents were Universalists and so were their friends and relatives mostly, and I was taught to believe with them, and if there had been a church of that persuasion near me, at the time I realized the propriety of uniting with some church, I should have united with such church as being in accordance with early teachings and associations, but none such existed, and in 1861 I united with the Episcopal church, and have since maintained my relations as a member with it a large portion of the time, at present holding the position of senior warden. I am liberal in my religion and permit one to join any church he pleases, or none at all, holding that one can be a good enough Christian without being taught from any pulpit.

"In April, 1854, I was elected circuit judge of the seventh judicial circuit and re-elected three times thereafter, holding and exercising the duties of the office until November, 1874, when I resigned to take a seat in the forty-fourth Congress, to which I had been elected at the general election in November, 1874, taking my seat March 4th, 1875. This Congress has more than ordinary interest by reason of the contest as to whether Hayes or Tilden had been elected President coming before it for decision. I was a democrat and believed that Tilden was elected, as everyone believes to-day, and that the scheme to create an electoral commission to pass upon the questions involved was because they knew that by the method of counting the vote in force theretofore Hayes could not be counted in. The electoral commission was a scheme to do what could not otherwise be done. The whole scheme was a fraud, and therefore I opposed the passage of the bill. The democrats had the power to prevent the bill becoming a law, but they were over-matched by the republicans and wheedled into electing a majority of the commission republicans, eight republicans to seven democrats. When the vote on the passage of the bill was taken I voted 'no,' and sixteen others voted with me. I take pride in that vote from the fact, now apparent, that Hayes was not elected, and could not have been counted in but by aid of the machinery of this new piece of pure partisanship where the members were expected to lose their integrity.

"I attribute whatever of professional success has attended me to hard work, constant and unremitting attention to business, which includes, of course, thorough preparation and understanding of the case in hand. I make it a point when at home to be found in the office and not on the curbstone. It has been, perhaps, a fad of mine that men will not wear out by mere labor; may rust out, but not wear out, hence I have never taken a 'vacation,' not even for a day. And while never a strong man, I now, at seventy-five, can do as much work in my profession as ever; and while my young partners count upon the annual vacation of a few weeks I prefer to take my usual place in the office daily."

GILBERT L. PARK.

One who knew Gilbert L. Park for twenty-five years said of him that, "probably no man that has ever resided in northern Wisconsin counted more personal friends than the late Judge Park. He was honored for his uprightness on the bench, admired for his legal learning and loved for his true, manly qualities. This section of the state suffered an irreparable loss by his death."

He of whom this was said was born in Scipio, Cayuga county, New York, August 31, 1824; his boyhood days were passed on his father's farm, work thereon being intermingled with attendance at school in the winter. At fifteen young Park ran away from school, enlisted in the Hudson's Bay company's service and went up the Ottawa river to Hudson's bay and Fort Churchill on the Severn river. At the end of a year he returned from the north and went to Port Dover, where his father's family had settled. Three years were spent at an academy in Millville, Orleans county, New York, after which Mr. Park returned to Canada and engaged in business as a lumberman for two years, meeting with success for a time; but in 1848 a reverse came, he closed out his business and went to Kalamazoo, Michigan, where he prepared for admission to the bar and was admitted in September, 1851.

In November, 1851, he removed to Wisconsin, and engaged in cutting saw logs on the Wisconsin river, which was his business until September, 1852, when he formed a law partnership with James T. Alban and began practice at Plover, where he remained nearly four years. In

June, 1855, he removed to Stevens Point, then a growing town, five miles north; here he continued his practice and earned a prominent position at the bar. He served as district attorney of Portage county from 1854 until 1858. He resigned the mayoralty of Stevens Point early in the period of the civil war and became adjutant of the eighteenth regiment Wisconsin infantry; later he was captain of company G of that regiment, serving with it nearly three and a half years. In 1865 he returned to Stevens Point and resumed his professional career, practicing from 1872 until he went on the circuit bench in partnership with D. Lloyd Jones.

In March, 1875, Governor Taylor appointed Judge Park to the circuit judgeship of the seventh circuit to fill the vacancy caused by the resignation of Judge Cate, who had been elected a member of Congress. At the election to fill the unexpired term, in April, 1875, the appointment was ratified by 7,657 votes to 5,939 in favor of J. O. Raymond. In 1878 Judge Park was elected for a full term, the vote in his favor being 7,799 to 4,182 for Henry Hayden. In 1883 he resigned on account of ill health and sought recuperation in travel, but his illness was too serious for his constitution, and he died in Waukesha, Wisconsin, June 5, 1884. As a judge he was discriminating, cool, clear-headed, candid and logical; he presided with easy dignity, and was a great favorite with the lawyers who practiced before him.

Politically Judge Park was a democrat, during the civil war belonging to the portion of that party designated as war democrats. While he was with his regiment he was, without his knowledge, nominated for the state senate; he was also nominated for lieutenant governor and was twice a candidate for Congress. In 1876 he was a delegate to the national democratic convention.

CHARLES M. WEBB.

Charles Morton Webb, judge of the seventh circuit, was born at Tonawanda, Bradford county, Pennsylvania, December 30, 1833. His father, John L. Webb, was, in his later years, a merchant and prominent politician, and at the time of his death, in 1846, was a member of the Pennsylvania legislature. The son's education was confined to that af-

forded by the public schools, and his attendance on these terminated about the time he was twelve years of age, after which he entered a printing office at Troy and subsequently at Wellsboro, in his native state, and later at Washington, D. C. In 1850 he entered the West Point military academy, remaining there a year and a half. In 1855 he began the study of the law with Ulysses Mercur, who, later, became a justice of the supreme court of Pennsylvania. In 1857 he became a member of the bar. The same year he came to Wisconsin, and in 1858 located at Grand Rapids, where he has continuously resided; was elected district attorney of Wood county the same year and re-elected in 1860; was elected clerk of the county board of supervisors in 1864 and re-elected in 1866; served in the state senate in 1869 and 1870. On the creation of the western judicial district of Wisconsin by act of Congress in 1870 Mr. Webb was appointed United States district attorney; was reappointed in 1874; resigned that office in 1877. In 1880 and 1881 was mayor of Grand Rapids, and in the fall of 1881 was appointed register of the United States land office at Deadwood, South Dakota; in the summer of 1882 resigned that office, and in the fall of that year was elected state senator. He resigned that office in 1884 to accept the appointment to the circuit judgeship, a position which he has held up to this time. In 1893 Judge Webb was nominated by a convention of lawyers as a candidate for justice of the supreme court, but was unsuccessful at the polls. In 1895 he was tendered, by Governor Upham, an appointment to a justiceship of that court, but declined it.

Judge Webb entered the military service in September, 1861, as first lieutenant of company G, twelfth Wisconsin, but resigned in May, 1862.

The statement of his record bears with it convincing proof of Judge Webb's worth as a man, lawyer and officer. It cannot be emphasized by words.

THE BAR.

JAMES S. ALBAN.

James S. Alban was born in Jefferson county, Ohio, October 30, 1809; was a farmer until he attained the years of manhood; his educa-

tional advantages were limited to those of the common schools. He came to Wisconsin in 1837, remained a short time at Prairie du Sac and removed from there to Plover, Portage county, where he continued to reside, and where he practiced law. He served in the senate in 1852 and 1853; was commissioned colonel of the sixteenth Wisconsin infantry and in the first engagement in which his regiment participated—the battle of Shiloh, April 6, 1862—he fell mortally wounded.

JOHN HENRY BRENNAN.

The father of John H. Brennan was born in Ireland, but at the breaking out of the civil war went enthusiastically to the front as a defender of his adopted country. When but twenty-five years of age, as first lieutenant of the third Wisconsin infantry, he sacrificed his life to the northern cause, being killed at the battle of Winchester, Virginia, October 19, 1864. The family thus left to battle with the world consisted of a widow and three children, the youngest of the latter, then one year old, being the subject of this sketch.

Upon the mother (Katherine Martin before marriage, and an Irish-Canadian) now devolved the responsibilities of providing for those who were left virtually without means of support. Fortunately she was a woman of tact, common sense, industry and general strength of character, and nobly did she carry out the trust which necessity imposed upon her, not only teaching her children habits of virtue and industry, but furnishing them with the means of securing a good education. She still lives in Oshkosh, taking especial pride in the career of her youngest son.

John H. Brennan was born in the city above named September 3, 1861, receiving his education in its public and normal schools and at the Wisconsin state university, Madison. His first serious studies in the law were pursued in the office of Charles Barber, Oshkosh, and that he possessed marked natural ability in mastering the principles of the profession, as well as intellectual strength to apply and concentrate his mind, was evident when he appeared before the state board of examiners, recently created and then sitting at Eau Claire. In October, 1885, he passed an examination before that body which was as near

perfect as has ever been undergone by any applicant in the legal history of the state.

After being thus admitted to the bar in 1886 Mr. Brennan entered the office of Hudd & Wigman, of Green Bay, and was rapidly advanced to trusts of greater and greater responsibility. Being desirous of establishing an independent practice, however, he removed to Kewaunee, where he remained for a short time, and afterward (1889) settled in Stevens Point, his present home, and the scene of his professional activities. He has been in partnership with James O. Raymond and with Messrs. Lyon & Frost, but is now alone, and no one of his years has a more promising future.

He has conducted the prosecution, by appointment of the court, in several notable criminal cases, among which is the State vs. Henry Kollect, a wealthy farmer, for arson, and the defense in State vs. Welch and State vs. Morris, in each of which he successfully interposed the defense of temporary insanity. He has had charge of all the proceedings in equity arising out of the insolvency of the Commercial bank of Stevens Point, in which litigation several of the most prominent legal minds in Wisconsin have been engaged.

Mr. Brennan is an independent democrat in politics and by his voice and pen has demonstrated that he has at ready command a wide fund of information and eloquence of a high order. He has served twice as city attorney of Stevens Point under a republican mayor—an indication both of his personal popularity and his official ability. He came into greater prominence, however, during the Peck-Hoard-Bennett campaign, his communications to the press, especially his open letter to the bishops of Wisconsin, attracting general attention and causing wide comment. In July, 1896, he went to Chicago as a delegate to the national convention, but declined to support the "free silver" plank of the platform, his address in support of the minority report of the committee on resolutions being strong and eloquent. One result of his efforts there put forth with such ability was the choice of Mr. Brennan as a delegate to the convention of the "gold democrats," held in Milwaukee, August 26, 1896. As temporary chairman of that convention he had the honor of making the standpoint of his party. Subsequently

he did yeoman's service in the cause, serving as a delegate to the national convention which met at Indianapolis in September and being honored with the important chairmanship of the committee on credentials.

In 1888 Mr. Brennan was married to Miss Katherine Shields, of Appleton.

CHARLES CHURCHILL.

Under burdens which would have crushed most men Mr. Churchill has risen to an honorable prominence in the working ranks of his profession. He was born on a farm in Fulton county, New York, on the 24th of December, 1846. His father, Elijah W. Churchill, was a merchant, coming to Wisconsin with his family in 1850 and locating at Waupaca. The paternal ancestry is English, the establishment of the family in America dating from 1640. Eliza Judson, the mother of our subject, is a member of the family which founded Gloversville, New York, known in all parts of the world where gloves and mittens are required.

At the age of five years the boy had the misfortune to be paralyzed, and since the stroke has never walked without crutches. But what would have proven an insurmountable obstacle to advancement in the case of a less indomitable nature served as an incentive to intellectual exertion with Mr. Churchill. Reaching the educational limit fixed by the common schools of Waupaca, he removed to Chicago and pursued a business course at the Eastman commercial college. He returned to his home in 1869 and was elected clerk of the circuit court of Waupaca county, serving in this capacity for twelve years. While thus engaged he had the foresight and determination to make a full set of abstracts of title from the county records, which not only proved to him of definite financial value but of almost incalculable assistance in his future practice as a real estate lawyer. His admission to the bar dates from 1883, and he has since engaged in practice more as counsel than an advocate, the bulk of his business being, as intimated, in the abstract and real estate lines. In these specialties there is no member of the profession in his section of the state more reliable, more fully equipped or more successful.

The Waupaca County National bank, the first institution of the kind established in the county, was founded by Mr. Churchill in 1890. He has been its president from the first. Its last report shows that its capital is \$50,000; surplus, \$3,000; deposits, \$145,000.

A republican in politics, he has always been a prominent figure in the public eye, having already served as village clerk for five years and as a member of the board of education for eight years. He is also active and influential in the order of Odd Fellows.

In November, 1868, Mr. Churchill was married to Ann Elizabeth Walker, of Weyauwega, Waupaca county. They have six children—Lucy May, now Mrs. F. S. Baldwin, of Waupaca; Fred W., engaged in the abstract business; Herbert, assisting his father in the office; Ned, residing at present in Colorado; C. Lloyd, at school in Fond du Lac, and Richard G.

WILLIAM H. CLARK.

William Henry Clark was born at Hamilton, Madison county, New York, June 16, 1812; was graduated from Hamilton college. Soon after being admitted to the bar he settled at Prairie du Sac, Sauk county, Wisconsin; was elected a member of the first constitutional convention. On the change of the county seat to Baraboo Mr. Clark changed his residence to that place and successfully practiced there for a long time. He finally removed to Dexterville, Wood county and died there September 14, 1879.

GEORGE R. GARDNER.

George Ransom Gardner, late of Grand Rapids, departed this life December 20, 1897. He was born at Horseheads, Chemung county, New York, on the 19th of January, 1837. Much of his early life was spent on a farm and in gaining a liberal education. He first came to Wisconsin in 1856 and spent about two years in Columbia county, working during the summers and teaching school during winters. His early life in these respects was typical of the American boy. He returned to New York state in 1858 and continued working on his parents' farm until August 11, 1861, when he enlisted in the forty-eighth New York regiment. He lost his right arm during the charge upon

Fort Wagner on July 18, 1863. He returned home and after regaining his health, began the study of law in the office of Judge Rood, at Watkins, and on May 15, 1867, was admitted to practice in the supreme court of New York at Binghamton. After his admission he entered into partnership with Judge Rood and continued in the practice of his profession at Watkins until June, 1870, when he removed to Missouri and opened a law office at Breckenridge, in Caldwell county, where he continued for about two years. The climate and surroundings there were not to his liking, and he returned to Wisconsin. He was united in marriage to Rachel Delany of Poynette, Columbia county, and soon thereafter, in March, 1873, settled in the city of Grand Rapids and commenced the practice of his chosen profession.

During the almost quarter of a century's residence of Mr. Gardner in Wood county his neighbors delighted to honor him by conferring upon him many of the most important civil and political trusts; aside from mayor of his adopted city and other minor offices which he held, he was district attorney of Wood county from December, 1873, to January, 1876. He was appointed county judge in December, 1876, and served until January 1, 1878. He was again appointed to the same office in October, 1879, and was elected for the full term in 1881, serving until January 1, 1886. At the election in the fall of 1882 he was chosen member of assembly and during the session of 1883 was one of the most active and energetic workers in that body. He at all times took great interest in educational matters and during nearly the whole of his residence in Grand Rapids and up to the time of his death was a member of its board of education. In all the public positions he was called upon to fill he was ever faithful, painstaking and watchful of the rights of others intrusted to his keeping.

For nearly twenty years he was the senior member of the firm of Gardner & Gaynor, and was engaged in the greater part of the important litigation in the section of the state in which he lived. Of a strong mind and bright intellect, thoroughly grounded in the principles of the law and possessed of a modest, though ready and forcible manner of expressing his ideas, he was a convincing advocate, dangerous to his opponents, and a sure and safe anchor for his client. Thoroughly

truthful and conscientious in his own life, he sought only for truth and the triumph of right in the cause of his clients.

In his arguments in court he was careful, accurate and exhaustive. His manner was earnest, serious and also considerate and respectful, and his professional brethren bear in kindly remembrance the pleasure, satisfaction and advantage they derived from their personal and professional intercourse with him, and the benefit the bar has received as a whole on account of his attainments as a lawyer, and his personal integrity and example. He was very modest and unobtrusive, of a cheerful and social turn, and possessed a mind well stored with information. He was an agreeable and entertaining companion who never delighted in speaking ill of any one.

Of him it may well be said he was truly a good man, a just, honorable and safe counselor and advocate.

The foregoing, except for a few verbal changes, is the memorial of the Wood county bar as presented to the court by George L. Williams on behalf of a committee composed of himself, Frank A. Cady and J. W. Cochran. In response thereto Judge Charles M. Webb said, after directing the entry of an order recording the memorial of the bar: "The present is not the occasion upon which an extended eulogy upon the life and merits of our lost friend may be appropriately pronounced. But, as the presiding judge of the court in which Mr. Gardner actively practiced as a member of its bar nearly twenty-five years, in making the order just announced it seems proper that I should add something to what has been so well said by others of his surviving brethren of the bar in recognition of his many virtues while living and of the great loss to us all which his death has occasioned. My long and intimate personal acquaintance and association with Mr. Gardner—commencing with his settlement here in the early seventies and continuing without a break, until his death—gave me exceptional opportunities to learn and know his character as it actually was; to observe his conduct under many and varying circumstances; to discover and judge the motives which impelled and controlled his actions in the divers relations he sustained with the public, with individuals, with his clients, with the courts and his professional brethren. That he was learned in his profession,

wise and conservative in the counsel he gave, able in the presentation and argument of his cases, whether before a jury or before a court; always courteous and affable to his opponent, all who knew him know. In ability and learning as a lawyer, in eloquence and power in the expression of his views, he was unexcelled, at least in this section of the state of Wisconsin. And he was, above all things, an honest man. So far as known, his absolute uprightness of conduct in all his business and professional relations was never doubted or questioned. As he would have scorned to do an intentional wrong, so he would not knowingly justify one committed by another, no matter who that other. Like every lawyer of extended practice he sometimes found himself on the wrong side of a case. It is very seldom that a case is found pending in the courts so clearly unjust that no legitimate argument can be made in its support; and such argument in its behalf the suitor interested is entitled to have presented with whatever of ability his attorney can employ. The true lawyer will always stop there. Mr. Gardner was a true lawyer in this regard, as in every other. Faithful to his client in every emergency, he was also ever faithful to the interests of justice and to his oath of office as an attorney of the court. It may be stated without fear that any person living could successfully challenge its absolute accuracy, or would desire to do so, that in all his professional life Mr. Gardner committed no act the uprightness and good faith of which would not bear the severest scrutiny. His entire professional life was a continuing and overwhelming refutation of the belief, more frequently expressed than honestly entertained, that the duties of the lawyer to the client and cause he serves are sometimes such as to demand that he shall knowingly advocate the wrong. Mr. Gardner's death is an irreparable loss to the bar of the state at large, and especially so to his brethren of this county and circuit. He will be long remembered by those of us who were privileged to know and associate with him and his memory will be cherished and honored because of the simple splendor of his example, and the absolute purity of his professional life.

"What has so far been said of Mr. Gardner's distinguishing characteristics as manifested in his professional career is equally true of and applicable to his life as a citizen, neighbor and friend. As a citizen he

was possessed of broad and enlightened views, was ready and anxious to give and serve for the interests and advancement of his city and county. As a friend he was confiding, faithful and unselfish in the highest degree. No man ever lived who more fully and completely embodied all that was manly, generous and noble or who was more wholly and absolutely devoid of envy, selfishness or other unworthy or unmanly attributes than he. Modest, unassuming—in his social and personal relations forgetful of self and ever mindful of the wishes and welfare of others—his life was a constant example of unaffected worth and magnanimity, such as men are seldom permitted to know. His death has left a vacant place in the community in which he lived and in the social circle in which he moved which cannot be filled. We shall not soon see his like again.”

LUTHER HANCHETT.

Luther Hanchett was born at Middlebury, Ohio, November 25, 1825; received an academic education at Fremont and studied law there with his half brother, General Ralph P. Buckland. In 1850 he was admitted to the bar at Plover, Portage county; in 1852 was elected district attorney; was twice elected state senator, serving in the sessions of 1857-1860; in the last year was elected a member of the thirty-seventh Congress, and in 1862 was re-elected. He did not live to enter upon his second congressional term, his death having occurred at his home November 24, 1862. “He was a good and successful lawyer and took high rank at the bar, where he secured the respect and confidence of all with whom he had professional relations.”

JAMES O. RAYMOND.

James Oliver Raymond was born at McDonough, Chenango county, New York, May 31, 1831; was educated in the common schools and academies at Newark Valley and Owego, in his native state; came to Wisconsin in the spring of 1855; first settled at Fond du Lac, but soon removed to Plover, where he was admitted to the bar in 1856, having studied law at Owego, New York. He formed a law partnership with Luther Hanchett, which continued until the latter's death in 1862.

Was district attorney of Portage county from 1857 to 1860 and in 1867 and 1868. Entered the military service in February, 1865, as orderly sergeant of company C, fifty-second Wisconsin, and remained with his regiment until it was disbanded in August following. In 1866 was a member of the assembly. Removed to Stevens Point in July, 1873, where he resided until his death. Was an unsuccessful candidate for circuit judge against Gilbert L. Park in 1875. In 1877 formed a partnership with Willis W. Haseltine; was postmaster at Stevens Point under Garfield and Arthur; was appointed a member of the state board of normal school regents by Governor Upham and reappointed by Governor Scofield. His death occurred April 14, 1897.

W. C. WEBB.

W. C. Webb, formerly of the Waushara county bar, was born and educated in Pennsylvania. Before his removal to Kansas he was active in political affairs in Wisconsin, having helped to organize the republican party. He served in the assembly in 1858, 1862, 1863 and 1864. He also entered the military service while a resident of that state and was promoted to a colonelcy in 1865. It is not known when he removed to Kansas, but it was probably at the close of the war, inasmuch as he was reporter of the supreme court as early as 1870, continuing in that office until 1878. He has also been three times a member of the legislature and has held the office of commissioner of insurance, county attorney, judge of the eleventh judicial district and judge of the superior court of Shawnee county. The last years of his life were devoted to the preparation of the general statutes of Kansas, which work was performed under legislative authority and published in two volumes in 1897. Judge Webb died at Topeka, April 21, 1898, aged 74 years.

HERMAN C. WIPPERMAN.

Mr. Wipperman is a member of the Wood county bar and practices his profession at Grand Rapids. He was born in the town of Mosel, Sheboygan county, Wisconsin, July 28, 1853. Until he was fourteen years of age his time was taken up with farm work for his father and

attendance on the public school. When he became fourteen he left home to learn the trade of a carpenter and joiner and worked at the same until he reached maturity; thereafter he went to Chilton, Calumet county, formed a partnership with a brother and carried on the manufacture of office and hall furniture; they also had a retail business. In 1886 the firm was dissolved and Mr. Wipperman became a student of the law in the office of A. A. Nugent at Chilton; he pursued his studies there until the fall of 1888, when he entered the college of law of the Wisconsin state university, from which he was graduated in June, 1889. He returned from Madison to Chilton and opened an office at the latter place, where he remained until 1891, when he moved to Grand Rapids.

Mr. Wipperman is a republican; has served as city attorney of Grand Rapids and in 1895 and again in 1897 represented Wood county in the assembly. As a legislator he has made a good record for diligence, ability and integrity. He has usually been conservative, but has not been non-progressive. His legal knowledge and the training derived from his extensive practice have made his services to the state valuable and secured for him the respect of his fellow members and all who have observed his course. As a lawyer Mr. Wipperman is diligent, upright, careful, discriminating and frank. He wins and retains respect and confidence.

CHAPTER XXIII.

THE EIGHTH CIRCUIT, ITS JUDGES AND LAWYERS.

The eighth circuit, as constituted by chapter 13, laws of 1854, included the counties of Chippewa, Dunn, Pierce, St. Croix, Polk, La Pointe and Douglas. The first election for judge was held on the fourth Monday of September, 1854, and resulted in the choice of S. S. N. Fuller. He was succeeded by Henry D. Barron (a sketch of whom is given in another chapter), who served but a short time under appointment to fill the vacancy caused by Judge Fuller's resignation. The other judges of the circuit were, in order of service, L. P. Wetherby, H. L. Humphrey, E. B. Bundy and E. W. Helms.

THE BENCH.

S. S. N. FULLER.

Mr. Fuller was born at Montrose, Susquehanna county, Pennsylvania. He came to Wisconsin and resided for a time at Fond du Lac, where his name is enrolled as an attorney under date of February 3, 1851. His stay there was brief. After his removal to Hudson, St. Croix county, he was elected county judge and later circuit judge, as stated in the preceding paragraph. His service did not cover the full term for which he had been elected. Soon after resigning he removed to Kansas and died about 1876.

LUCIEN P. WETHERBY.

Lucien Porter Wetherby, one of the judges of the eighth circuit, was born at Eagle, Onondaga county, New York, October 12, 1822; was educated in the public schools and an advanced academy at Baldensville, New York; studied law in the office of Angel & Grover in Allegany county; admitted to the bar in 1840; was district attorney and surrogate of that county, in which he began the practice of the law at Angelica; was delegate to one or more national democratic

conventions while a resident of his native state; came to Wisconsin in 1856 and located at Hudson, where he resided all his subsequent life. In 1860 he was elected judge of the eighth circuit and served the full term. In 1867 he received 8,236 votes for the office of associate justice of the supreme court against 46,895 for Orsamus Cole. It is understood that Mr. Wetherby supported Judge Cole at that election. At a later period he served as district attorney of St. Croix county. He was also at one time the democratic candidate for attorney general. Judge Wetherby died December 11, 1889.

H. A. Taylor, who knew the subject of this sketch well, has written of him thus: "Judge Wetherby, as we always called him, and there are few who knew him by any other name, was not more highly respected nor fondly loved than many others who have gone before him. He lived a long life and in many respects a useful one. He made friends and deserved them. He filled important positions and filled them well. He occupied a valued place in the thoughts and hearts of those who knew him. He was a figure in the community where he lived. Men rejoiced in his presence. He was one to be consulted. His good sense was proverbial. There was rare wisdom and accuracy in his judgment. He was a level-headed man. He was kindly, charitable, considerate. He loved his friends, and was indifferent, rather than aggressive, toward his enemies. He was a staunch, responsible and respected citizen. He had faults, and who has not? Weaknesses he had, but who among us is always strong? There was no cant or hypocrisy or pretense about him. He was; in fact, just what he seemed to be. He walked in the light and if he stumbled he did not attempt to conceal it. His was a frank, sturdy, honest character. You always knew where to find him. His integrity was above suspicion. In business he was sagacious, but always reliable, and in social life he was a most entertaining companion.

"Judge Wetherby was a lawyer by both instinct and education. He was a conspicuous figure at the bar and on the bench. He was thoroughly informed in the fundamental principles of law, and well versed in the statutes. His comprehension of legal propositions, the accuracy of his discrimination and his ability to apply principles to stated cases

were remarkable. He gave dignity to his profession by his ability, knowledge and fairness. He despised the tricks of the pettifogger and plead for law and justice.

"He was an honest lawyer; judges, juries and clients believed in his honesty and respected his opinions. He knew law by intuition, and if he didn't know what it was he knew what it ought to be, and he practiced it skillfully and honorably.

"For many years Judge Wetherby has been prominent in the politics of the state. He was a democrat through and through. Democracy was almost a religion to him. He believed in it with all his heart. Strongly partisan, anxious for party victories, he was honorable in his methods and quietly accepted results.

"In the social and business life of the community, in his profession and in political circles the death of Judge Wetherby will long be felt and mourned."

HERMAN L. HUMPHREY.

Herman L. Humphrey was born at Candor, Tioga county, New York, March 14, 1830; his education, except for one year in the Cortland academy, was limited to that afforded by the public schools; at the age of sixteen he engaged as a merchant's clerk at Ithaca, New York, and so continued for several years; later he read law in that city and was admitted to the bar in July, 1854. In January, 1855, he located at Hudson, Wisconsin, and began the practice of the law. Soon afterward he was appointed district attorney to fill a vacancy; in 1860 he became county judge by appointment and in 1861 was elected to that office for a full term, but resigned it in February, 1862, having been elected state senator the preceding November; his service in the senate continued during the important sessions of 1862 and 1863, and was active and efficient. In 1865 he was mayor of Hudson and in April, 1866, was elected judge of the eighth circuit, and re-elected in 1872. That office was resigned in March, 1877, when Judge Humphrey's term as a member of Congress began, he having been elected as the republican candidate in November, 1876; he was twice re-elected, having served from 1877 to 1883. On completing his congressional service

Judge Humphrey resumed the practice of law at Hudson. In 1887 he served as a member of the assembly.

It may well be said that Judge Humphr y as lawyer, legislator, judge and citizen has performed well his part; that he has merited the confidence reposed in him by the bar and people, and is fully entitled by reason of his attainments, character and public service to the large measure of respect and veneration the people feel for him.

EGBERT B. BUNDY.

Judge Bundy was born at Windsor, New York, February 8, 1833. He received his general education at the academy there and his legal education in law offices at Windsor and Depoint, in his native state. He became a member of the bar at Cortland, New York, in January, 1856. On coming to Wisconsin he began the practice of his profession at Dunnville, then the county seat of Dunn county, thereafter removing to Menomonie, where he now resides, practicing his profession in partnership with his son, R. E. Bundy. He has served as county judge, and April, 1877, was elected judge of the eighth circuit, then composed of the counties of Eau Claire, Dunn, Pepin, Pierce and St. Croix, over Horace E. Houghton, to fill out the unexpired term of Judge Humphrey, who had resigned to go to Congress. In April, 1878, he was re-elected, and over Henry Cousins. At the expiration of this term he was again re-elected, and over W. F. Bailey. At the expiration of this term he was still again re-elected, and over R. H. Start. At the expiration of this term he was, however, defeated by E. W. Helms, the republican nominee. The circuit was overwhelmingly republican; at this time party feeling was running high, Mr. Helms was unexceptionable as a candidate, which, added to the fact that Judge Bundy's friends were oversanguine because of his former many successful campaigns, accounts for his defeat, which was by a majority almost nominal.

As a lawyer Judge Bundy is highly valued. Making no claims to oratorical gifts, he is nevertheless forcible, impressive, strong as an advocate. Never "ingenious" in discussing legal propositions to the court, he goes straight to the core of the question, and never burdens

or blurs a brief with cases not in point. In the counsel room he is eminently frank, practical, able, safe.

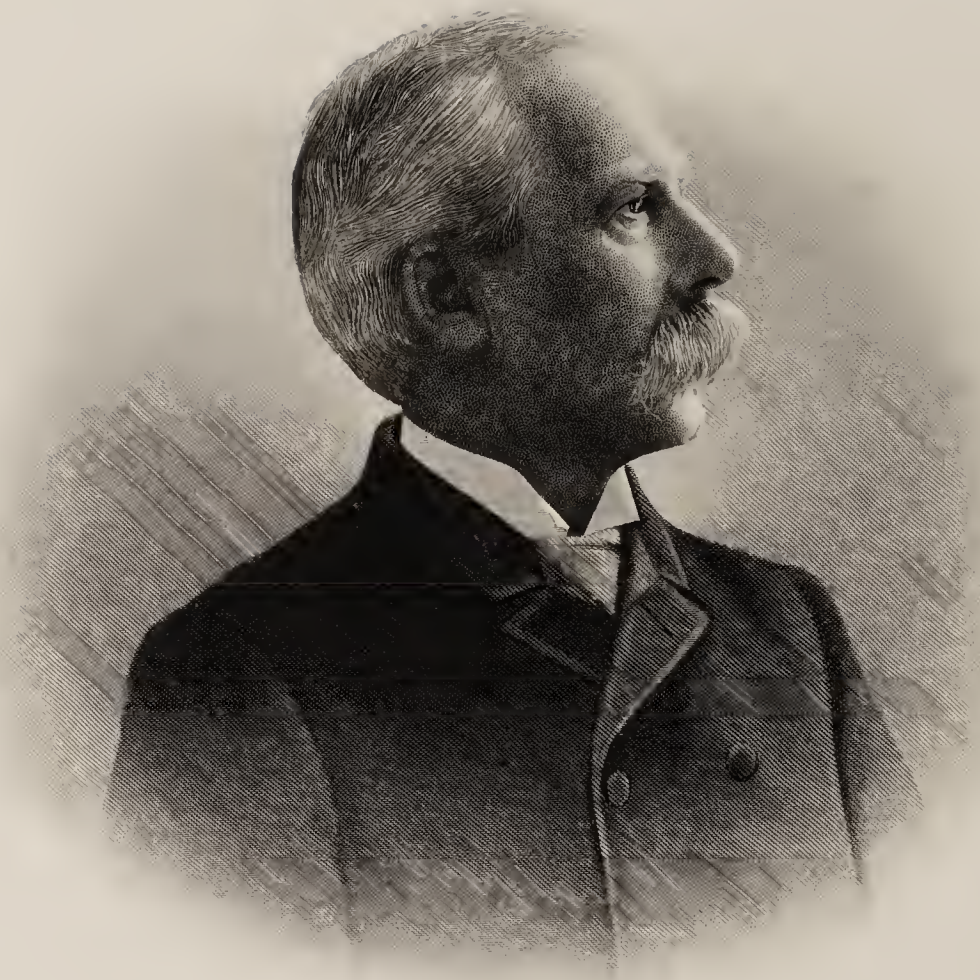
It has been, however, on the bench that Judge Bundy has done the major part of his life work. Here he "served his day and generation" for substantially twenty years. In some minor particulars the judge fell below the ideal. He sometimes lacked in patience; would sometimes arrive somewhat prematurely at a conclusion; would sometimes permit a prejudice against a case, though never against a person, so far as it affected proceedings in court; was not a first-class listener. In the essential qualities of a judge, however, he rose to the ideal. His practical, hard common sense was the first thing that impressed a stranger that sat in his court. He was fearless. And not only was he absolutely just, but seemed above temptation to be otherwise. A prominent member of his circuit was once comparing Judge Bundy with a certain other judge, also noted for probity, and made this remark: "Judge —— is honest, Judge Bundy is d——d honest. Power could not intimidate, wealth could not tempt him. The weak and humble were his wards."

In politics Judge Bundy is a democrat. Being somewhat extreme in partisan feeling and outspoken in character, this was taken advantage of by his opponents, and, in a measure, handicapped him in his many campaigns for election, as his circuit was overwhelmingly republican. His repeated elections by very large majorities, in face of this fact, all the more emphasize his popularity based upon personal worth.

He has always been known as a man of simple, democratic and domestic tastes and habits, direct and candid in his dealings with his fellows, sincere in his principles and intense in his convictions.

EUGENE W. HELMS.

Mr. Helms, the present judge of the eighth circuit, was born April 2, 1859, at Salem, Kenosha county, Wisconsin. Until he attained the age of eighteen he lived on a farm and took part in the duties connected with farm life, dividing his time between them and attendance on the common schools. After one year at the Oshkosh normal school Mr. Helms taught at intervals. Subsequently he attended the



A. C. Baker

state university for two years as a student in the literary department, and entered the college of law, from which he was graduated in 1884.

The next four years he practiced his profession at Madison. In 1888 he removed to Hudson and formed a partnership with H. C. Baker, which continued until after his election to the circuit judgeship. He served two terms as district attorney of St. Croix county. In the spring of 1896 he was elected judge of the eighth circuit, and in January, 1897, entered upon the discharge of his duties.

Though he became judge at a comparatively early age, Mr. Helms had much of the training and experience which constitute the best preparation for the discharge of judicial duties. His character and temper of mind are such as are desirable in a judge. His experience at the bar is much less limited in extent than the length of time he has practiced indicates. The success which he has achieved on the bench justifies the expectation of the bar of the eighth circuit that longer experience in that position will develop the model judge.

THE BAR.

HENRY CHAPMAN BAKER.

As has been truthfully said by a prominent citizen and an intimate friend of Mr. Baker: "Henry C. Baker has stood in the front rank of lawyers in northern Wisconsin for many years. He has allowed nothing to divert him from his profession."

The latter sentence is the secret of Mr. Baker's substantial success—he has allowed neither politics, nor the narrowing struggle for gain, nor temporary notoriety to divert him from the breadth of view and the high ambition which possessed him when he entered the field many years ago, which he has so honored and which has so signally honored him.

Member of an old New England family, numbered among which was Captain Remember Baker, a Vermont hero and one of the first victims of the revolution, our subject was born in Stafford, Genesee county, New York, November 16, 1831. His parents, Luther A. and Mercy (Stannard) Baker, were in humble circumstances, his father being

a farmer. As a faithful, industrious farmer's son he, therefore, spent his younger days, adding to his capacity for hard physical work a studious disposition, a retentive memory and an ambition to become an educated and influential character in the world. At the age of eighteen he entered the Genesee and Wyoming seminary, in his native county, and after studying there for one year commenced a regular course of instruction at the New York normal college, Albany. In 1854 he obtained his graduating diploma from the latter institution and had previously created such a favorable impression in the seminary at home that its faculty at once offered him the professorship of mathematics and natural sciences.

While thus engaged Mr. Baker commenced the study of law, and in 1857 entered the office of Moses Taggart, at Batavia, his preceptor having formerly served as judge of the New York court of appeals. The young man next returned to Albany with the intention of entering the law school of that city, but decided that he could better acquire the practical training that would be of future benefit to him by studying in a law office. He, therefore, became a clerk with Willet & Hawley, Albany, and in 1858 was admitted to the bar of that state. Although he immediately commenced practice at Batavia, in the spring of 1859, his attention was so forcibly drawn to the regions of northern Wisconsin, with their fast developing mines, farms, railroads, lumber industries, etc., that he removed to Hudson, then the center of activities in the proposed construction of the St. Croix & Lake Superior railroad.

Soon after settling at this point Mr. Baker became the attorney of the company, which held a most valuable grant of land from the state to aid in the construction of the line. But the civil war effectually barred all progress in the undertaking, and it was not until 1868 that interest was so far revived in it, through the ceaseless and effective exertions of Mr. Baker and others, as to warrant capitalists in again taking up the enterprise. When it was discovered, however, that under the terms of the grant the company would forfeit the unearned portions of the land if the line was not completed by May 5, 1869, the case seemed indeed hopeless. But the attorney of the company was not the man to flinch or be despondent. He took the position that the condition

upon which the lands were to revert to the United States was what is known in the law as a condition subsequent, and that nothing short of a judicial determination of the forfeiture by a court of competent jurisdiction or an act of Congress declaring it, would divest the state of its title or relieve it of its responsibility as the trustee of the general government. The prevailing opinion was, however, adverse to Mr. Baker's views, and, although the valuable pine lands contained in the grant were being denuded of timber the state declined to protect them. The general government could not, as the lands had not yet reverted. In this dilemma Mr. Baker appealed to the legislature in the winter of 1868-69 and pushed through the law by which General Samuel Harriman was appointed an agent to protect the lands, pending a decision by Congress or the courts. As the cutting of timber continued, however, when the logs were floated down the rivers in the spring the state agent seized several million feet which were cut upon the grant after May 5, 1869, the expiration of the period originally fixed for the construction of the road. These logs were replevined by the lumbermen, and the cases were transferred to the United States court, the suit of *Schulenberg vs. Harriman* being selected as a test. In September, 1870, Mr. Baker had formed a partnership with J. C. Spooner and enjoyed the benefit of the latter's valuable assistance. In the test case mentioned (*Schulenberg vs. Harriman*) the United States circuit court decided that the state was the owner of the lands, charged with the execution of its duty as trustee of the general government—and this, although Mr. Baker's contention was opposed by some of the ablest lawyers in the northwest. This judgment was affirmed by the United States supreme court, the grant was saved to the state and the new corporation, the North Wisconsin Railway company, built the road from Hudson to Bayfield, and one of the most decisive triumphs recorded in the history of the Wisconsin bar was entered to the credit of Henry C. Baker. It was not only a personal triumph, but was the first difficult step in the development of a railroad system which has brought incalculable benefits to the communities of northern Wisconsin.

Mr. Baker afterward became the general solicitor of the North Wisconsin Railway company and Mr. Spooner of the West Wisconsin rail-

way company. Subsequently these and other roads were consolidated into the system known as the Chicago, St. Paul, Minneapolis & Omaha railroad, the latter becoming its general solicitor. The acceptance of this position made it necessary that Mr. Spooner should devote his entire time to the affairs of that corporation. On September 1, 1880, he, therefore, withdrew from the firm, which had continued for an entire decade, Mr. Baker retaining its general practice. From 1883 to 1888 the latter was Wisconsin attorney for the Minneapolis, St. Paul & Sault de Ste. Marie Railway company, during which period the line was being constructed across the state, but since 1888 he has devoted his time and ability to private practice. He is now the senior partner of the firm Baker & Haven, and it is safe to say that no member of the profession in Wisconsin is a more reliable authority on real estate law and tax titles.

In politics a republican, Mr. Baker might have been a leader of the party, but has strenuously refused to be advanced in this line. The only exception which he has made to a life rule was during the early days of St. Croix county, when he was induced for several years to serve as district attorney. He is an active member of the Presbyterian church, an earnest, honest man and a credit to the northwest, whether considered as citizen or lawyer.

On September 11, 1860, he was married to Miss Ellen M. Brewster, of Le Roy, New York. His wife is a highly educated and refined lady, being a graduate of Ingham university and the granddaughter of Judge Henry Brewster, a prominent citizen of Le Roy. They have one child, L. A. Baker, cashier of the Manufacturers' bank at New Richmond, Wis., who was married in 1887 to Minnie A. Glover, daughter of John E. Glover, of Hudson.

JOHN W. BASHFORD.

John W. Bashford was born October 1st, 1847, at Fayette, Lafayette county, Wisconsin. He is a son of Samuel M. and Mary (McKee) Bashford. The father, a native of New York city, for some time practiced medicine in that city, but foreseeing greater possibilities in the western country, settled in Grant county, Wisconsin, in July, 1835.

Here, while he gave up the medical profession, the necessities of his neighbors—there being no other physician for many miles around—were always cheerfully ministered to by him and without charge. He took up farming as an occupation, but, having closely identified himself with the Methodist Episcopal church, he also became a regularly ordained deacon and a local preacher. It was while holding religious services at Willow Springs, a place a few miles from his home, that, on June 16th, 1850, an attack of apoplexy terminated his life at the early age of thirty-six.

The mother was a Kentuckian, daughter of Robert McKee, and while quite a child had settled with her parents at Edwardsville, Illinois. It was there that, when eighteen, she was married to William Carroll Parkinson, and with her husband, who was but slightly older than herself, a move was made to the territory of Wisconsin, traveling overland by teams until a location was found in the spring of 1839 at Fayette, in what was then known as Parkinson's settlement. On the death of her first husband she was married June 27th, 1843, to Dr. Samuel M. Bashford, after whose death she married, in 1852, William P. Trousdale, who died in 1890. She is one of the pioneer settlers of the state and resided on the same tract of land where she made her first home until her death in 1896.

John W. Bashford received his earlier education in the Lafayette high school, where he was prepared for the university. He graduated from the latter in 1871 and received the degree of A. B., and for two years taught school; one year as principal at Shullsburg and the other at Mineral Point. Having settled on a legal career, he next studied law in the office of Vilas & Bryant at Madison and attended the law school at the university, whence he was graduated in 1874 and received the degree of LL. B. and also the degree of A. M., being admitted to the bar in 1874 at Madison. On his appointment by Governor Taylor state agent for the Wisconsin land grant company he came to Hudson, and, forming a partnership with John E. Glover, opened an office. This firm was dissolved in 1876, and until 1882 Mr. Bashford practiced alone. In the latter year he associated himself with

C. A. Disney, a connection which continued until 1894, from which time he has been alone.

The first important case with which he was connected was the defense in the January murder case. This was a hard proposition, for the accused was an Indian, but twice the jury disagreed before he was finally convicted. Afterwards, he prosecuted Rounds and Shay for murder and obtained a conviction in the second degree. He defended Revoir on a charge of murder, and after he was convicted in the lower court took the case to the supreme court, where the judgment was reversed and an acquittal finally obtained. Mr. Bashford was for the defense in *Hoyt vs. City of Hudson*, a damage case of much importance, in which he was able to show that there was no cause of action. He was for the defense in the very important case of *Childs vs. Nelson*. As attorney for the Hudson building and loan association he prosecuted Childs and Dennison, winning his case in the lower court; the judgment was reversed by the supreme court; but on retrial, Mr. Bashford being once more successful, a final settlement was made. He has also been peculiarly successful in the defense of fishermen accused of fishing in streams stocked by the state, winning twenty-five cases in the lower courts and in the supreme court has one still pending.

Always a democrat in his political views, Mr. Bashford, as has been mentioned, received the appointment of state agent for the Wisconsin land grant company from Governor Taylor in 1874. For eleven years he was city attorney, a member of the board of regents of the state university for six years, for half that period being vice president, and at the present time is mayor of Hudson. His attorneyship for the building and loan association of Hudson has necessarily brought in a large amount of business, and his professional duties altogether have kept him occupied from eight in the morning until nine at night.

He married, September 21st, 1875, at Arlington, Columbia county, Alice M. Welsh, a lady who had previously been a school teacher, and who was assistant principal of Lodi school for several years. They have had two children, of whom one is living, Emma M., a young lady of fourteen, who was graduated from the high school with the class of '98.

There are few men in the state who can point to a career exemplify-

ing more thoroughly the result of industrious application and never-failing hard work. Mr. Bashford commenced to practice his profession without either money or influence, and everything he owns is due to his own laborious exertions. At the present time his health is poor, a fact he attributes largely to the heavy nature of his professional duties.

Mr. Bashford has great pride in the fine law library, the third largest in the state, which after many years he has been able to gather together by buying his books, one by one, as his means would permit. Each week he receives the legal reports from every state in the Union, being the only lawyer to do this, outside of Eau Claire and Superior, in his portion of the state. He is also very particular to obtain all the latest text books.

EDWARD W. BUNDY.

A native of Menomonie, one of nine children—five brothers and three sisters—Edward W. Bundy was born March 17th, 1872. He is the son of Judge E. B. Bundy and Rubena Maully. The father was from New York state, from which he located at Dunnville, and later moved to Menomonie, where, for twenty years, he was judge of the circuit court of the eighth circuit. The mother, whose parents, like those of her husband, came from New York state, was a daughter of one of the pioneer settlers of the Chippewa valley.

A liberal education having been obtained in the high school of his native town, whence he was graduated in 1889, he then took a year's course in engineering at the university of Wisconsin. For two years, from 1892 to 1894, he was assistant editor of the Menomonie Times. Moving to River Falls in 1894, he entered the office of F. M. White, but in January of the following year, having decided to take up law as a profession, he accepted a position in the office of A. Combacker at Ellsworth, as he would thereby be enabled to secure a legal education. He was admitted to the bar in December, 1896, but for a short time following considered it advisable to continue in the employ of Mr. Combacker. In December, 1897, however, having associated himself with Mr. John E. Foley, an office was opened by the firm and a good general practice is being done.

In his religious views Mr. Bundy is an Episcopalian, and in his political opinions a democrat.

ANDREW J. KINNEY.

Andrew J. Kinney was born May 17th, 1857, at Fitchburg, Dane county, Wisconsin. His parents were Edmond and Catherine (O'Connor) Kinney; the father, a native of Hudson, New York, was a farmer by occupation. He was born in 1835 and settled in Dane county, Wisconsin, in 1850. Ten years later he moved to Hudson, where he followed the same occupation, and at the present time owns and works the largest farm in the vicinity of that town. He served through the war as a private in the forty-fourth regiment Wisconsin infantry. The mother of the subject of this sketch was of Irish descent, her father, Patrick O'Connor, having settled in Canada about 1808.

Having received a sound education at a private school and the normal school at River Falls, Wisconsin, graduating from the latter, he for a short time taught school. He began to study law at Hudson, first with John W. Bashford and later under Judge S. H. Clough. He was admitted to the bar December 5th, 1884, and immediately opened an office at New Richmond. Twelve months later he returned to Hudson and became associated with W. H. McDonald, whose interest, after the expiration of a little more than a year, he purchased, and in the fall of 1890 formed a new partnership with Edwin Pierce, his brother-in-law, which continued for four years. Since that association terminated he has practiced his profession alone.

Mr. Kinney has been connected with a number of cases which have attained importance. In *State vs. Charles Chatman*, for murder, he was for the defense and an acquittal was procured. The case of *State vs. Colbeth*, for burglary, found his client convicted, but with great perseverance he obtained a new trial and an acquittal. He was engaged in the well-known building and loan association cases and also in *Jenson* against the Omaha Railroad company, in the latter securing a verdict in the circuit court, and though this was afterwards reversed by the supreme court, it settled the law concerning railroad crossings.



Robert Macanley

Strongly democratic in his political views, from 1885 to 1886 he was city attorney of New Richmond, while in 1890 and 1891 he held a similar office at Hudson. He has also, for the past ten years, been a court commissioner.

Military work and the duties of a soldier have always held for him a powerful fascination. He took a prominent part, in 1885, in the organization of the Hudson City guards, which two years later was mustered as company C, third infantry, Wisconsin national guard. In that body he has served continuously since its organization, first as private, then for six months as corporal, later quartermaster, holding the latter until 1895, when he became captain.

Mr. Kinney was married September 15th, 1886, to Susie E. Pierce, of Neillsville, Wisconsin, a granddaughter of Hannibal Kimball, who was a playmate of Vice President Hannibal Hamlin, the latter being named after him. They have an interesting family of three children, Emma, Edmond and Lucien.

He joined the Ancient Order of Hibernians in 1892, the Independent Order of Foresters a year later, and is also a member of the Modern Woodmen, the Maccabees, the Catholic Knights, and the Sons of Veterans, ranking as captain in the last named order. In his religious views he is a Roman Catholic.

ROBERT MACAULEY.

Robert Macauley, county judge of Dunn county, is one of the substantial citizens of northern Wisconsin. He is a native of Glasgow, Scotland, where he was born on the 18th of February, 1838, being the fifth of eight children. His father, a weaver by trade, came to America in 1842 and settled upon a farm in Hancock county, Illinois, where he died in 1847, at the comparatively early age of forty-seven. Margaret Cavanagh, the mother, is descended from stanch and patriotic ancestry, her father having been a captain in the British army during the Napoleonic wars.

The son, Robert, passed his boyhood on the family homestead, working upon the farm and obtaining such education as he could, until 1852. At this time the family, with the exception of the two eldest,

moved to Wisconsin and located on a farm twelve miles south of Menomonie. Here the youth was employed in tilling the soil until March, 1864, when he entered the office of Judge E. B. Bundy, Menomonie, in fulfillment of an ambition which had possessed him for some time to commence the study of the law. The civil war, however, had reached a climax and more men were needed for the final struggle, and so, after an experience of six months as a student (in September, 1864) he entered the service as a private in company G, sixteenth Wisconsin volunteer infantry, and served faithfully until the conclusion of hostilities. He first saw service with Sherman's army at Rome, Georgia, and participated in the famous march to the sea, in the siege of Savannah and the battles of Salkehatchie Swamp, South Carolina, and Bentonville, North Carolina. He was also with the army in its triumphal journey to Washington and at the grand review of the federal troops at the national capital, on May 22, 1865.

On the 1st of July Mr. Macauley returned to Menomonie and resumed his studies in Judge Bundy's office, being admitted to the bar before Judge Humphrey at Eau Claire, in January, 1867. He began practice in partnership with his former preceptor, and with the exception of a period of some two years, continued thus until he was elevated to the bench.

Elected county judge of Dunn county in April, 1873, he honored that position for two terms of four years each. In the fall of 1882, upon the conclusion of his second term, he was elected a member of the assembly. He was district attorney from 1868 to 1872 and was re-elected for another term in 1890. He served as city attorney for three terms, from 1882 to 1890, and in the spring of 1897 was elected to the position which he now occupies so acceptably.

While Judge Macauley was an active practitioner at the bar, especially while in partnership with Judge Bundy, he was engaged in many cases of importance, among which were some important tax suits, notably those of William Wilson vs. Thomas S. Heller, 32 Wis., 457, and Knapp et al. vs. Heller, 32 Wis., 467.

Since the organization of the Grand Army of the Republic Judge Macauley has been continuously identified with the fraternity. For

many years he has been a pillar of the Grace Episcopal church, of Menomonie, having served as its senior warden for a quarter of a century. He has retained his hold upon the outdoor healthful life with which he became so familiar during his boyhood days, by investing in land and personally engaging in agricultural pursuits. He has at present a fine farm of four hundred acres, twelve miles from Menomonie.

Judge Macauley was married on May 9, 1869, to Miss Cora Olson, of Menomonie. They have two children: John W. Macauley is an attorney and first lieutenant of company H, third Wisconsin volunteer infantry; Martha, the daughter, is now Mrs. S. P. North, of Onalaska, Minnesota.

FRANCIS J. McLEAN.

Francis J. McLean was born in Cambridge, Washington county, New York, September 11, 1837. He received his education by the fireside at home, at the common school, and at the Owego (New York) academy. He was robust and strong in his boyhood and attained his growth early, and this fact, together with the circumstances of the family, which rendered his services on the farm imperative, interrupted greatly his educational opportunities. His own determination to acquire an education, however, and his perseverance in studying nights with the help of his parents—his father being an excellent mathematician—enabled him at an early age to enter the teachers' class at the academy, where he passed the required examination, which entitled him to free tuition.

He commenced teaching school at the early age of seventeen with a large winter school at Ball's Mills, near Williamsport, Pennsylvania, and ended by teaching the village school at his home, Nichols, New York, where he taught successfully for three years.

Mercantile business next engaged his attention, and the firm of McLean & Howell became widely known because of their extensive business in general merchandise, grain, etc. Mr. Howell furnished most of the capital and Mr. McLean had full charge of the business, which was continued with marked success for two years, during which time Mr. McLean's share of the profits enabled him to purchase a fine

residence in the village of Nichols as a home for his father and mother and family and also a small farm, just outside, for their use as long as they lived. He was also able to aid his younger and only brother, William H., in acquiring an education and in attending the medical college at Albany, New York, where he was graduated in 1865, with high honors. He located at Monticello, New York, where he entered a successful practice. Mr. McLean had read law as best he could up to this time, while teaching school and at home, looking forward to the time, which he felt had now come, when he could afford to attend the law school at Albany, New York. He, therefore, prevailed upon his valued friend and partner, John Howell, to purchase his interest in the business, and then entered the Albany law school. He was graduated in the class of 1865, after which he returned to Nichols and followed his profession in Tioga county until 1867, when he settled in Menomonie, Wisconsin, where he soon took a conspicuous place as a prominent member of the bar and a public-spirited citizen.

October 7, 1875, he married Miss Mary, the estimable daughter of Captain William and Angeline (Hale) Wilson. The children of this marriage are: James Perry, born July 6, 1876; Mary, August 30, 1878; William Wilson, December 1, 1880; Francis Julian, July 20, 1883; and Marjorie, May 20, 1891.

January 2, 1883, he assisted, in connection with his cousin, W. C. McLean, cashier, in the organization of the First National bank of Menomonie, of which he is president and the largest stockholder. He is also interested in several other financial institutions in different parts of the state.

JOHN S. MOFFAT.

This Wisconsin representative of all that is highest in man and noblest in the citizen, whose entire temperateness of habit, honorable dealing, moral life and strong religious feeling, but never intruded to the discomfort of others, have made him a power in the community, was born at Lansing, Tompkins county, New York, November 25th, 1814.

His parents, Samuel and Ann (Shaw) Moffat, were both imbued with strong principles of thrift, industry and virtue, and from the

earliest years of their family of eight children endeavored to instill into their minds similar principles of good purpose and Christian achievement. Samuel Moffat was a merchant and lumberman, and in the sawmill operated by him the subject of the present sketch found employment during his boyhood in such times as were not devoted to schooling. John's grandfather, Rev. John Moffat, immigrated from north Ireland with a colony, with which also came the Clintons, settling in New York state and making his home at Little Britain, in Orange county, where John's father was born in 1761. A Presbyterian clergyman, who possessed fine classical as well as theological attainments, one of the first graduates at Princeton college, he it was who gave DeWitt Clinton his first lessons in Latin and Greek. Having received such education as the district school of Etna, Tompkins county, New York, afforded, John S. Moffat at eighteen started out on a business career as a merchant's clerk at Dryden Village, in the same county, and remained there three years. He then entered the academy at Homer, Cortland county, studying for three years, and during the winter months of each year teaching school. For two years further he was in the Groton academy, Tompkins county, New York, where he received a thorough preparation for college, but did not enter.

It was in 1840 that he decided to become a lawyer, and the necessary study was at once begun with Corydon Tyler, Esq., at Dryden, Tompkins county, New York. Having been prepared for admission to the bar, that profession appeared to him so overcrowded that his intention was abandoned, and for some time he resumed school teaching, later accepting a clerkship in a store at Painted Post, Steuben county, New York. After this, for some time, he engaged in the mercantile business on his own account at Bath, in Steuben county.

Mr. Moffat removed to Hudson, Wisconsin, in 1854, receiving an engagement as clerk in the land office and also filling the position of police justice, to which office he was elected term after term for about twelve years, the business of the office increasing with the growth of the town until almost the whole of his time was finally absorbed.

On May 16th, 1867, at Hudson, he took his examination and was admitted to the bar. Commencing to practice immediately, he re-

mained alone until about 1871, when Thomas Hughes entered into partnership with him, a connection which was continued for about ten years. Until 1890, when, owing to his hearing having become defective, he was obliged to retire from active court practice, Mr. Moffat was engaged in many litigated cases, but never in criminal practice. He still devotes himself to collections and probate court practice.

In April, 1869, he was elected to the office of county judge of St. Croix county and entered upon the discharge of the duties of said office for a term of four years, and at its expiration was re-elected for a similar period. Every duty of that office was discharged with a punctiliousness and fidelity that gave unqualified satisfaction.

Brought up with the principles of the New York "barn burner" or "free soil democrat," Judge Moffat became a republican on the repeal of the Missouri compromise. A Master Mason, he is also a Good Templar. In his religious affiliations he is a Baptist and a very active worker for the interests of his church.

His active business mind and boyhood practical experience induced him to interest himself in one of the largest sawmill concerns in Hudson, and also in the chair and furniture factory of the same town. His instincts in that direction were most profitably justified.

He was married January 24th, 1844, to Nancy Ann Bennet, who was the daughter of Phineas Bennet, a well-known inventor of Ithaca, Tompkins county, New York. Up to the time of her death, in December, 1894, she was (as is also the one child of the marriage, now Mrs. Thomas Hughes, wife of a well-known attorney), an active worker in the same church as her husband.

CHAPTER XXIV.

THE NINTH CIRCUIT, ITS JUDGES AND LAWYERS.

In 1854 the counties of Sauk, Jefferson and Dane were formed into the ninth circuit. The election of the first judge occurred on the fourth Monday of September, 1854, and resulted in the choice of A. L. Collins, who entered upon his official duties January 1, 1855. The subsequent judges have been L. S. Dixon, H. S. Orton and Alva Stewart. Robert G. Siebecker is the present judge. Sketches of the lives of Judges Dixon and Orton appear in chapters VI and VII.

THE BENCH.

A. L. COLLINS.

Alexander Lynn Collins, first judge of the ninth circuit, was born in Whitestown, Oneida county, New York, March 17, 1812. His father's name was Oliver and his mother's Catharine (Kellogg). They were farmers; the father joined the continental army at the age of sixteen and served during the last five years of the war; he was also in the second war with England and attained the rank of brigadier general; for two years he was in command at Sackett's Harbor.

At the age of sixteen, having obtained a common school education and had one year's instruction in a grammar school, the subject of this sketch began teaching school; three years later he entered a law office at Whitesboro; in 1833 he went to Cleveland, Ohio; there he completed his preparation for admission to the bar, which occurred before the supreme court of Ohio in 1835. Thereafter, until 1842, he practiced in Cleveland; during that year he removed to Madison, Wisconsin; his practice there continued thirteen years, most of which time he was a member of the firm of Collins, Smith & Keyes.

In 1846 Mr. Collins was elected a member of the territorial council and held a seat in that body until the organization of the state. He was also a member of the first board of regents of the state university.

In 1848 he was the whig candidate for Congress against Mason C. Darling; in 1849, the whig candidate for governor against Nelson Dewey, and was twice supported by the whig members of the legislature for United States senator against Henry Dodge. From 1852 until the disbandment of the whig party he was chairman of its state central committee. He was a delegate to the national convention at Baltimore in 1852, and voted for Daniel Webster for three days; on the nomination of General Scott, on the fifty-fourth ballot, he was so disappointed that he left the convention and declared that the dissolution of the whig party was at hand.

In 1855 Mr. Collins, aided by the votes of many democrats, was elected judge of the ninth circuit; after serving four years he was obliged, by impaired health, to resign. He made a good record on the bench.

On retiring from the bench Judge Collins joined Governor Doty in his land operations at Menasha, on what was then known as "Doty's Island." In 1864 he went to California; he remained three years on the Pacific slope. Returning to Wisconsin in 1867, he engaged in farming in Winnebago county. Soon afterward he was afflicted with rheumatism so badly that he was disabled for five years. In August, 1874, he removed to Appleton, formed a law partnership with Humphrey Pierce, and remained there several years. On abandoning the practice, he went to Neenah, where he lives with one of his sons. Judge Collins was one of the few members of the territorial legislature who attended the semi-centennial exercises at Madison in early June, 1898; later he attended the Milwaukee carnival.

ALVA STEWART.

The following concerning the late judge of the ninth circuit is from the memorial of the Dane county bar association, presented to the circuit court of that county by S. U. Pinney April 7, 1890:

"The Hon. Alva Stewart, circuit judge of the ninth judicial circuit for the period of nearly twenty-five years, has passed away, having departed this life on the 31st day of December, 1889, at Portage City, in consequence of a painful illness with which he was attacked while hold-

ing the December term of the circuit court for Columbia county. The bar of Dane county, in view of his long period of service and his exalted character and great merits as judge, and as a mark of their respect for him as a man, and in testimony of their sense of the great loss the public has sustained in his death, propose this brief memorial of his life, character and public services, to the end that it may be entered of record in the court where he presided so long and faithfully and with such distinguished ability.

"Judge Stewart was born in Morrisonville, Madison county, New York, October 21st, 1821, and came to Wisconsin in the year 1847, a young lawyer, seeking a location and fortune and fame. He settled at Fort Atkinson, in Jefferson county, and entered upon the practice of his profession with all the ardor, energy and zeal characteristic of the intensity of his nature. He represented his assembly district in the legislature at the session of 1851, and was elected senator from Jefferson county and served in that capacity for two years, during the sessions of 1852 and 1853. The practice of the profession at this period in the history of the state was not highly remunerative, and he engaged for a short time in business pursuits at Portage City, Wisconsin, ultimately returning to his exclusively professional duties as early as 1855, which he continued with success until he was appointed judge of the ninth judicial circuit by Governor James T. Lewis, February 4th, 1865, to fill the vacancy caused by the resignation of that position by Hon. Harlow S. Orton, and he continued to hold it, by successive elections, without opposition, until death overtook him in the faithful discharge of judicial duty.

"The life of a judge is, in a great degree, one separate and apart from his fellows, and a certain degree of seclusion seems unavoidable. The result is, that he is not well and truly known to the public, except through his public and official acts. We recall with pleasure his hearty, sincere and genial bearing in social intercourse, and his constant effort to do the full measure of his duty honestly and promptly in his official station. His career as a judge was not merely without taint or suspicions of wrong motive. He was thoroughly faithful and honest, and so prompt and untiring was he in the discharge of public duties that he

took unusual pains to avoid expense to the public, and of the many thousands of cases, motions and petitions brought before him, not one of them remained undisposed of save the comparatively unimportant cause on trial when attacked by the malady which proved fatal to his life.

"We desire to emphasize in this memorial our sense of his great industry and devotion to the duties of his position—his unquestioned integrity and entire independence as a judge, and that to those cardinal virtues he added a rugged, manly courage which never failed him and which led him on all occasions to carry into full effect his well-matured convictions.

"He gave much thought and study to all matters brought before him and never shrank from or faltered in the least in the discharge of the great duties of his office. He was well read, as a lawyer, and possessed of rare discrimination, and with the moral and mental characteristics he possessed he became and was one of the ablest and most worthy and efficient of the many circuit judges who have held that position since the organization of the state. He honored the state and himself alike in the discharge of his official duties, and we fully realize that his removal from the bench was a great loss to the honest, faithful and intelligent administration of justice. His long experience had made his public services peculiarly valuable and almost indispensable. We cherish his memory and bear in kindly remembrance his many noble and manly virtues."

Mr. Pinney made a few remarks in a personal tribute to the deceased, and moved that the memorial be spread on the records of the court, and that, after remarks by other members of the bar, the court adjourn for the day.

After the memorial was read remarks eulogistic of Judge Stewart were made by Messrs. P. R. Tierney, E. W. Keyes, F. J. Lamb, I. C. Sloan, J. C. Gregory, H. M. Lewis, George W. Bird, J. H. Carpenter and R. B. Smith. In response to these and the memorial Judge Siebecker said:

"Sorrow, mingled with sentiments of praise and esteem for Judge Stewart, has stopped this court in its accustomed course to render homage to his virtues as a friend, a citizen and official in the state. In

these expressions of the higher impulses of the soul, to recount his best qualities and pay tribute to his nobler attributes, our hearts are moved to grief at the thought of the absence of one whom memory recalls in the full vigor of life and in the faithful service of his appointed duty.

"The death of Judge Stewart has touched the hearts of a wide circle of friends throughout the state. Many have spoken words of eulogy in evidence of the high regard they entertained for his career as a private citizen and a public officer; and I have the privilege to say that the sentiments of esteem and respect uttered here to-day are held and entertained by the people of the various counties of this judicial circuit. The members of the bar have with one accord joined in the sentiments and the emotion of this gathering. Men and women have come to the various courts to speak words of respect to his memory, with an earnestness born of an affectionate regard and esteem for the high qualities of his life. These expressions have been so spontaneous throughout the circuit that we may record, in truth, that his death is mourned by all who knew him as neighbor and friend, as citizen and judge, and that his death is felt as a public calamity.

"The qualities of his life were of such high value and his conduct was so true that his actions became a part of the warp and woof of the history of the state, and thereby made him one of its founders. As a faithful interpreter of the law and administrator of justice his work contributed to the wholesome growth of our judicial institutions. When he first entered upon his services the environment of our judicial department was wholly different from now. Industrial and social evolution has in the last quarter of a century produced conditions to which the law must needs be applied and adjusted. In this work Judge Stewart performed well his part. He appreciated the full power of establishing a precedent to influence public opinion; he was conscious that the law does silently and surely reach into the whole domain of the state, and enwrap and enfold all persons and things, to meet the very end and demand of justice. Such qualities made his services of great value to our state and helped develop our system of law and build up our judiciary.

"I cannot presume to speak of Judge Stewart's personal life with

the same knowledge and authority as you who knew him for so many years in his private as well as public career. Yet knowing him as I did enables me to add some testimony to your expression of high regard and estimation. All who knew Judge Stewart soon learned to recognize his kindness of heart and the openness and honesty of his action. He disliked equivocations in anything; he detested deceit and duplicity in men. He always looked to the realities of life; appearances, shams and pretenses were pushed aside by him with a swift and positive judgment.

"In many leading characteristics Judge Stewart was typically American—independent in thought, plain, direct and simple in manner and speech; and he had the full courage to stand by his convictions. He possessed, in a marked degree, our national characteristic of practicality in the affairs of life; straightforwardness marked his every act; common sense directed and controlled his views and opinions; he had no regard for conventional formalisms, unless they served a necessary and beneficent purpose. Observation and experience have taught us that attributes like these make their possessors potent characters in their sphere of action. I doubt not that those who lived with Judge Stewart the greater portion of his life felt the influence of these powers, and, while they lament his loss, think of him with pride as neighbor and friend. These attributes of practical good sense, even temper and strong mental faculties, with a strong, kind, manly heart, made him a power in public affairs and won for him the trust and confidence of men.

"Finding in him such natural endowments and acquired principles and habits of character we turn to Judge Stewart's public career with great expectations. After a careful and dispassionate review of his life in public service we find the evidence completely satisfies what such an expectation demands. This needs only to be mentioned to those who had occasion to observe him in his courts to recall to mind how vigorously and with what honesty of purpose he applied himself to master every situation that called him to action. Whenever he entered upon his task there seemed no pause until he saw his way clear and felt sure of the whole situation. In the manner of performing his work it was his universal habit to seek and follow the light and dictates of his con-

science. This he did, not to the exclusion and disregard of established precedent, or the assistance of the judgment of others, but, rather, he sought the aid of all these to furnish him with an approved and sure basis whereon to rest his action. Coupled with this characteristic, it can be truly said that Judge Stewart was independent; he always decided upon his course of action as he saw it from within. The conduct of others, the estimation of the public, did not enter into his determination. Indeed, so marked was this characteristic, and so rigidly did he adhere to it, that at times he was accused of being stubborn and inconsiderate of the opinions of others qualified to speak advisedly. Yet upon deeper reflection we are persuaded that by reason of following the behests of these controlling attributes, he was a just judge and that, perforce of the union of these qualities with an honest purpose, he did, in the administration of justice, keep aloof from petty, sharp and devious practices. Being involuntarily led by the power of these faculties gave him that strong and noble quality of character—courage of conviction, a quality not great, because employed simply to stand isolated and in opposition to the judgment of others, but great where it leads to an honest, unswerving determination in the conflict of contending forces to establish justice.

“To be moved by such positive attributes in the discharge of his public duty created an influence that made men feel the power and the supremacy of law, and, though this influence is no more to be emphasized by his personal presence, yet it continues to move us within the orbit of its power, and it has so deeply and thoroughly rooted itself into the sentiments and thoughts of the people of this community that the history of his life and the power of his deeds are recorded and perpetuated in that high sentiment of judicial honor and integrity so universally held by all the people throughout his judicial circuit.

“Prompted by such high motives and upon such principles of justice were the laws of this judicial circuit administered, and there sentiment for justice made to prevail. To have accomplished this is the highest tribute and the most enduring monument to the memory of a just judge.”

ROBERT GEORGE SIEBECKER.

Robert G. Siebecker, judge of the ninth judicial circuit of Wisconsin, was born in Sauk county, this state, on the 17th of October, 1854. His parents, William and Christina (Graff) Siebecker, were both natives of Prussia and emigrated directly to Wisconsin in 1851, purchasing land in Sauk county. By dint of hard, intelligent work this was soon transformed into a fine farm and the family homestead. The father still lives. The mother died April 13, 1876.

Until he had reached his eighteenth year Robert occupied his time by alternately working upon the farm and attending district school. For two years he was a student in a private academy at Madison, Wisconsin, preparing himself for entrance to the Wisconsin university. In September, 1874, he commenced a scientific course in that institution, graduating with the degree of B. S. in 1878. In September of that year he began his legal studies in the university law school and was graduated in June, 1880. The determination and industry which have marked and molded his life were forcibly exhibited at this crucial period—in that, although he always stood in the fore rank of students, on account of his straitened circumstances he taught in several private academies while passing through the two university courses.

It is remarkable also—in fact, almost unique—that before graduating from the law school, while in the midst of his legal course, he was admitted to practice in the circuit court (September, 1879). During this year Judge Siebecker formed a partnership with Charles L. Dudley, now deceased, and the firm, under the name of Dudley & Siebecker, continued until September, 1881. La Follette (R. M.) & Siebecker was the firm then organized and it was not changed till Mr. La Follette went to Congress, in December, 1885. At this time the business had grown to such proportions that with the departure of the senior member to Washington it was necessary to secure able assistance. S. A. Harper was, therefore, made a third member of the firm, which continued as La Follette, Siebecker & Harper until January, 1890, when Governor Hoard appointed Mr. Siebecker judge of the ninth Wisconsin circuit, to succeed Judge Stewart, deceased.

Before his elevation to the bench Mr. Siebecker took an active part in politics, being a leader of the democracy as well as a worker in the ranks. He had also served the public as city attorney for four years and evinced the same industry, integrity and ability in the discharge of these duties as in the conduct of his professional and private affairs.

Judge Siebecker is a man of positive convictions, but charitable and liberal in his beliefs. Religiously, he is identified with the Unitarian church. He was married May 15, 1879, to Josephine La Follette, three sons being the result of this union—Karl L., Robert L., and Lee L.

The appointment of Judge Siebecker to the circuit judgeship was made under circumstances somewhat peculiar, and was, therefore, looked upon with question by politicians and as experimental by some of the lawyers. The appointment was made by a republican governor; Mr. Siebecker had always been a democrat. So far as the writer's recollection goes, it was the first instance in which a circuit judgeship was bestowed, by appointment, upon a man of the opposing party. It is cause for congratulation by the friends of a non-partisan judiciary that the precedent then made has been followed by a governor of each party—by Governor Peck in appointing Judge Fish to succeed Judge Winslow, and by Governor Scofield in appointing Judge Silverthorn to succeed Judge Bardeen. In each of these three cases the act of the executive has been ratified by the people at the polls. Judge Siebecker has twice been elected without opposition. This fact answers fully the doubts of the bar as to the wisdom of his appointment. Those doubts were based upon the youth and comparative inexperience of the appointee. But eight years' experience has set all questions at rest. This fact is highly creditable to Judge Siebecker. His predecessors on the bench were men of acknowledged ability; two of them became members of the supreme court. His bar is one of the strongest in the state, as well as one of the most assertive and independent. The amount of business in the circuit is large, and much of it is "heavy litigation." By his courtesy, patience, industry, fairness, knowledge of the law and firm purpose to administer justice without fear, favor or hope of reward Judge Siebecker has fully won the confidence of his

bar and the respect of the people. His ability and character entitle him to these.

THE BAR.

STEPHEN S. BARLOW.

Stephen Steele Barlow, formerly attorney general of Wisconsin, was born August 17, 1818, in Ballston Spa, New York. When he was an infant his parents moved to Saratoga, and, later, to Mount Morris, Livingston county, New York. The boy attended public schools when they were within his reach, worked on his father's farm, clerked in a village store, and, later, attended a select school and began the study of Latin and Greek. For a time he was a student at the Rochester seminary, and while there had for instructors the late James R. Doolittle and Prof. Dewey. When circumstances made it necessary for the young man to leave that institution he resumed his labors on the farm of his father. When about eighteen years of age he began the study of the law in the village of Perry, New York, and, later, studied in an office in Albion, Orleans county.

In 1840 Mr. Barlow arrived in Wisconsin, going to his brother's at Delavan, Walworth county. In April, 1841, he was admitted to the bar by Judge Irwin, and at once entered upon the practice in Delavan. He continued to live there about fourteen years. In October, 1843, he married Ann Maria Parsons, and they lived very happily together for thirty-eight years.

In the summer of 1854 Mr. Barlow moved from Delavan to Delton, Sauk county, where he resided until the decease of his wife, in the fall of 1881, since which time he has made his home at different places, at present residing with his son, Henry P., at St. Paul, Minn.

In 1852 Mr. Barlow was a member of the assembly; he served one year as district attorney of Walworth county, resigning that office when he moved to Sauk county; in 1856 he was chosen county judge of the latter county, and in 1860, district attorney; he held the latter position two terms. In 1867 he was member of assembly, and in 1868 and 1869 state senator; from January 3, 1870, until January 5, 1874, he was attorney general.

Politically Mr. Barlow was first a whig and then a republican. His character and make-up are such that he has always had strong friends among his political opponents. Though not great, in either natural ability or attainments, he has performed well the duties which have been assigned him, and by his faithfulness and the uprightness of his character has established a good name.

ALEXANDER BOTKIN.

Mr. Botkin was born in Kentucky, March 4, 1801; removed to Ohio at an early age, and in 1836 settled at Alton, Illinois, where he was a justice of the peace at the Lovejoy riot, and took an active part in preserving law and order. In 1841 he came to Wisconsin in the capacity of assistant secretary of the territory, A. S. Field being secretary. While performing their official duties these gentlemen engaged in the practice of the law, having formed a partnership for that purpose. In 1846 Mr. Botkin was defeated as a candidate for a seat in the first constitutional convention by John Y. Smith. In 1847 he was elected a member of the territorial house of representatives to fill a vacancy, and served at the October session, 1847, and February session, 1848; he was state senator in 1849 and 1850; was defeated as a candidate for re-election; in 1851 was elected to the assembly. In 1849 he received the votes of the whig members of the legislature as a candidate for United States senator. His death occurred suddenly at Sun Prairie, March 5, 1857.

In his biographical sketches of deceased members of the bench and bar Moses M. Strong says: "Col. Botkin was a remarkably 'strong-minded' man, of wonderful self-reliance and self-assurance, but it was his misfortune that his education had been very greatly neglected, of which, however, he appeared all unconscious, as the following sketch, taken from the archives of the state historical society, shows. In a speech in the senate, denouncing the action of a secret caucus, he said: 'We want a fair fight. We don't want to go crawling around in the brush about this measure. We want action on it to be sub rosa and above board.'" Mr. Reed, in his Bench and Bar (p. 338) says that "for the law" Mr. Botkin "had no special training, but, possessing

naturally a logical mind, strong reasoning powers and fluency of speech, he soon took rank as one of the ablest jury lawyers in the territory, which position he maintained up to the time of his death. Mr. Botkin was pre-eminently fitted for political tournaments. He belonged to the whig school of politicians, and Henry Clay, of his native state, was his political idol. He loved Mr. Clay better than any democrat ever loved Andrew Jackson, and in those days democratic affection for Jackson bordered upon eastern idolatry. The enthusiasm for these respective champions of the whig and democratic parties was not lessened because of our territorial existence, and Mr. Botkin, owing to his political prominence and his great skill and ability as a public speaker, was designated as a leader under whose generalship the whigs hoped to rescue the territory from the control of the Jackson party. He, accordingly, as early as 1845, came to be regarded as the leading whig in the territory outside of Milwaukee, and after the organization into a state, he controlled in a larger degree than any other whig in it, the policy of his party up to the time of its disruption in 1854. He it was who conceived and planned the nomination of Leonard J. Farwell for governor in 1851, and in whose election the democracy of the state received its first stunning blow."

SINCLAIR W. BOTKIN.

Sinclair W. Botkin, formerly of the Dane county bar, but at the time of his death a member of the Minnesota bar, was the oldest son of Alexander Botkin, of whom mention is made elsewhere. He was born at Alton, Illinois, September 19, 1838; became a resident of Dane county, Wisconsin, in 1841; was educated in the state university, being graduated in 1857 with the degree of A. B.; later he received the degree of A. M.; served several years as deputy clerk of the supreme court and as assistant in the state library. He entered the military service as first lieutenant of company A, twenty-third Wisconsin, and soon became captain; in 1863 he resigned and returned home, resuming his duties as deputy clerk of the supreme court and assistant in the state library. He finished his preparation for admission to the bar in the office of Spooner & Lamb, and was admitted in 1866. He was for a



Jonathan Poroman

time deputy collector of internal revenue and register in bankruptcy. For nearly twenty-five years he was a member of the firm of Welch & Botkin. In May, 1882, the firm removed to Minneapolis, Minnesota, where Mr. Botkin died October 9, 1893.

JONATHAN BOWMAN.

Mr. Bowman was born at Charleston, Montgomery county, New York, May 16, 1828. His parents, Asa and Ruth Bowman, were farmers. The father was a man of prominence in his section, having served in the legislature of New York. Jonathan Bowman's general education was obtained in his native state, at the Canajoharie academy, and his legal education at the Ballston law school, Ballston Springs, while Professor Fowler was connected with it, whence he was graduated in 1850. In 1851 he came to Wisconsin, and located at Delton in May of that year; soon thereafter he opened a law office there, and engaged in business ventures, notably in the mercantile line. Business considerations led him, in 1852, to take a prominent part in laying out the village of Newport, Columbia county; associated with him in this enterprise was Joseph Bailey, who afterward attained national fame as the builder of a dam across the Red river during the civil war. About the same time a village of the same name on the west side of the Wisconsin river was established. The money needed for these purposes and for the erection of a warehouse to accommodate the anticipated traffic was supplied by Mr. Bowman, who was possessed of more surplus means than were usually brought to this state by the early settlers. These villages flourished for some years.

In 1853 the legislature granted a charter for the erection of the first dam across the Wisconsin river at Newport, Mr. Bowman being named as one of the incorporators. During that year he removed to Newport. Owing to the violation of a pledge that a railroad should be constructed through Newport and the bridge on which it should cross the river should be built there, these villages suffered irreparable injury. The road was located and the bridge built two miles farther up the river, at what is now Kilbourn City, and in order to keep pace with the progress of events and the advance of the tidal wave of pioneer settle-

ment then sweeping across the state, Mr. Bowman removed to that place in 1862, and resided there continuously until his death, which occurred, after a brief illness, July 16, 1895.

What follows was written by one who knew Mr. Bowman well and esteemed him highly—Michael Griffin, now and for some years past a member of Congress and a lawyer and man much respected throughout Wisconsin. Few, if any, who knew the subject of this sketch will disagree with the estimate of him here given. Mr. Bowman “was prominent in all business enterprises, and especially those which assumed the form, in any manner, of public benefit, and by his ability and foresightedness gave and maintained for Kilbourn City a prominence which but for his strong individuality and prominence in the state it could not have attained.

“He was alternate delegate in November, 1860, to the national republican convention held in Chicago which nominated Abraham Lincoln for President, and he often subsequently frankly expressed his keen disappointment which he at that time experienced because the convention failed to nominate William H. Seward; but this disappointment eventually turned into expressions of gratitude for the divine interposition which made Lincoln the national standard-bearer of the republican party and the chief magistrate who guided the nation through the darkest hour of its history. Lincoln was the type of man which Mr. Bowman greatly admired. President Lincoln’s kindheartedness, sincerity, strict honesty, unswerving loyalty and devotion to his country and its cause always found a ready response from Mr. Bowman, and in these and many other respects the two men were not greatly dissimilar.

“In 1861 Mr. Bowman was elected to the assembly for the first district of Columbia county, and in 1862 to the senate from the twenty-fifth senatorial district, and was re-elected to succeed himself, thus serving as a senator four successive years. He was a leading member of the respective branches of the legislature during his term of service therein, and was an earnest and able advocate of all measures affording support to the national and state administrations in the prosecution of the war for the preservation of the Union.

“In 1864 he was chosen one of the presidential electors on the repub-

lican ticket and was selected as chairman of the electoral college for that year. After the expiration of his term in the senate a severe contest grew up between the city of La Crosse and the Chicago, Milwaukee & St. Paul Railway company, concerning the location of its railway bridge across the Mississippi river near that city, the representatives of the city contending that the bridge should be located at a definite point for the benefit of the city, and the railway company insisting upon the most feasible location for the erection of its bridge.

“Legislative aid was finally invoked to settle the contention, and in recognition of Mr. Bowman’s abilities, his services were secured to present to the committees of the legislature the arguments in support of the position of the railway company. The ablest men in the state were engaged in the contest, which finally resulted in securing for the railway company the desired location, and the success was largely attributed to the ability displayed by Mr. Bowman in advocating the cause of the railway company.

“In 1874 he again yielded to the importunities of the members of his party in the first assembly district of Columbia county who desired to be represented by their ablest champion, and consented to become a candidate for the assembly, to which he was elected by an overwhelming majority, receiving all the votes cast in his own township but twelve, which attests his unparalleled popularity where he was best known.

“During the legislative career he devoted himself assiduously to the advancement of public interests, as well as those of his district and the locality in which he resided. It may justly be said that the greatest efforts of his life and his best abilities during his public and private career were cheerfully and unstintingly bestowed and employed in the work of securing legislation in behalf of and promoting the enterprise known as the Kilbourn dam. It had always been his strong desire to see the manufacturing interests of the state developed by utilizing the fine water power afforded by the Wisconsin river at Kilbourn City, and he early sought legislation authorizing the erection of a dam at that point with such purpose in view. To this, objection was made by the lumbermen upon the headwaters of the river, who made use of the same for floating to distant points out of the state the timber and logs

constituting the natural wealth of the section of country in which they operated, leaving nothing in its stead but a barren waste, and consequently there was for many years waged in the legislature the most bitter contest in the history of our state legislation over this question, with the lumbermen of the upper Wisconsin river combined on one side, and Mr. Bowman, almost solitary and alone, on the other. Yet, notwithstanding the great odds with which he contended, he finally won the victory, and the improvement in the river was made and still exists at his late home as an evidence of his devotion to the interests of his locality and maintenance of a sound principle of the state polity.

"Not only were his services and abilities cheerfully given to this enterprise, but his means were also used to the aid in its advancement, and although the water power has not been utilized to the extent which he hoped for, owing to the constant irritation maintained for many years by the use of the river for floating lumber down over the dam, yet it has to some extent been made very useful, and not long prior to his death he manifested great interest in a proposed plan for further developing and utilizing the same, and seemed confident that his cherished anticipations of a lifetime were soon to be realized.

"From 1875 to 1879 he was a member of the board of directors of the Chicago, Milwaukee & St. Paul Railway company.

"In 1868 he purchased a controlling interest in the bank of Kilbourn and became its president and remained such until his decease.

"In 1856 Mr. Bowman was united in marriage to Miss Hannah J. Davis, of Montgomery county, New York, who survives him, together with three of their five children, viz.: Abram D., Jennie and Emma.

"At about the age of forty-five years Mr. Bowman's health was unfortunately impaired as the result of a severe cold, and thereafter he did not devote himself as closely to the practice of his profession as he otherwise would have done. His ample means and banking interests also tended to divert his attention from the practice of law, and hence for many years prior to his death he did not seek or desire active work at the bar. One notable feature in his career as a lawyer is found in the fact that a larger number of lawyers graduated from his office than

from that of any other lawyer in this state which the writer is now able to recall.

"This is attributable to the fact that no other man in his section of the state combined so many of those excellent qualities which invariably attracted the attention of young men possessing an ambition to become lawyers, and which also created a desire on their part to read law in his office. His kindness to young men seeking to rise in the world, the encouragement which he never failed to extend to those who gave some promise of becoming a success in the profession, made a position in his office extremely desirable. A course of reading with him and coming in daily contact with his methods of transacting legal business advanced the student in the direction of practical knowledge of the law more rapidly than could possibly be attained in any ordinary law school. While becoming instructed in a knowledge of the law they witnessed its application to the affairs of life by a master mind and upon a broad, honest and conscientious basis.

"Among the graduates from his law office are to be found judges, state senators, a state attorney general, a member of Congress, as well as many others who have attained success as lawyers. Not one of the long list of his law students can be found who does not to-day think himself fortunate to have received instruction from, and been able to profit by, the example of such a superior tutor, and all attribute whatever measure of success they have attained largely to the excellent maxims and precepts which he so frequently advanced for the benefit of the young men who became students in his office.

"In the senatorial contest in 1881, to fill the vacancy in the United States senate from this state occasioned by the death of the lamented Senator Carpenter, Mr. Bowman, although favoring and urging his friends to support the candidacy of Senator Cameron, came within two votes of securing the republican nomination for senator.

"The caucusing and voting upon the question occurred at a time when the railroads were so obstructed by an unprecedented snowfall that those interested in the contest who were not at the state capital before nature's embargo was laid could not reach there, nor were there

any means of exit for those who found themselves unwilling visitors at the capital.

"Mr. Bowman was at his distant home during the contest, but he did not hesitate to wire his friends to cast their votes for Senator Cameron, notwithstanding the fact that he was fully aware of the strong support which he himself was receiving. But this was characteristic of the man under the circumstances. He had encouraged the candidacy of Senator Cameron and consistently supported him to the detriment of his own success.

"Politically Mr. Bowman was always a republican, beginning his political career with the birth of the party. He was among its first and most earnest supporters in this state and always remained an adherent of republican principles. So far as seeking or holding political position is concerned, it always seemed to afford him more pleasure to support some of his friends than to seek the preferment himself, and this disposition to aid others first unquestionably prevented his own promotion to some of the highest positions in the gift of the people.

"He was well aware of this, yet, so strong was his attachment for his friends that he preferred to sacrifice his own golden opportunities to gratify the desires of those who often and anxiously sought his aid and influence.

"As a lawyer Mr. Bowman was one of the ablest and keenest in the state. He was of that class of high-minded lawyers who esteemed it their first duty to avoid litigation if the rights of their clients could possibly be preserved and secured without resorting to legal redress in the courts; hence litigation under his advice was indulged in only as an absolute necessity; but when he once determined that an appeal to the protection afforded by the law was necessary to properly guard the interests or secure the rights of his clients his efforts and zeal were unceasing in behalf of the cause which he espoused. In the examination of witnesses he was remarkably skillful, and the untruthful witness whom he failed to unmask by his masterly cross-examination was rarely, if ever, found. In jury trials he was very successful, owing to his excellent judgment of men, his quick comprehension, his able and intelligent arrangement of the facts, as well as his clear and forcible presenta-

tion of the arguments in support of his contention. His logic was usually unanswerable, and in all his court work he combined that keen business judgment with the fine legal attainments with which he was endowed, hence when he met a worthy adversary the conflict seemed like the meeting of two Damascus blades, for every sudden contact produced such intellectual animation as tended to move and quicken the sensibilities of all observers.

“He appeared at his best on momentous occasions when the interests were sufficiently great to arouse all his intellectual forces, and no occasion of this character occurred when he did not display evidences of a reserved force or power that seemed to be always at his command when emergency required. Had he retained his health and found it necessary to devote himself strictly to the practice of his profession in order to procure a livelihood he would have won a reputation as a lawyer second in rank to none that our state has ever produced. Even while in active practice a wrong suffered by some poor and helpless person more frequently enlisted his sympathies and services, and without the hope of remuneration, than did cases offering large returns in the event of success. He was always ready, even at the sacrifice of much personal comfort to himself, to render assistance to those who were themselves unable to protect their rights.

“His traits of character were of the positive order, the negative being the exception. Intellectually strong, he was also physically well equipped to sustain an active life of mental exertion. For his friends he cherished the warmest attachment and regard. In the domestic circle he was conspicuous for his devotion, his kindness and gentleness of manner. His family were indulged in every wish and desire, and it was in this inner life that the most admirable qualities of the man appeared to still greater advantage.

“Those who have enjoyed the hospitality of his commodious and attractive home will ever treasure it as a pleasant memory. In all the affairs and relations of life he was the very soul of honor. No dishonest or questionable act ever received any countenance from him. As a man he was endowed with all that which tended to make up a noble, honorable character, and his life was in strict keeping therewith.

His honesty, sterling integrity and reliability were of the highest order.

"Of commanding stature and striking personal appearance, he at once fixed the attention of those who were strangers to him. His bearing was always courtly and gentle, and it may be truthfully asserted that he was a gentleman under all circumstances and in all places.

"With him strict honesty was an essential prerequisite to his confidence, and without it none could secure his esteem. His name was the synonym of integrity and spotless honor wherever he was known. In his death the state lost one of its purest, ablest and most exemplary citizens, his family a most devoted husband and father and the community a fitting example of the noblest work of God—an honest man."

ARTHUR B. BRALEY.

Arthur B. Braley, formerly judge of the municipal court of Dane county, was born in Perry, New York, February 11th, 1824; was largely self-educated; taught school for a time in the Wyoming valley, Pennsylvania; began the study of law in his native state in 1844; came to Wisconsin in 1846 and settled at Delavan, where he completed his legal studies; was admitted to the bar at Madison in 1848; made the latter city his residence in 1852; in 1856 was chosen police justice and held that office six years; in 1864, 1865 and 1866 was alderman, and city attorney in 1868. In 1869 he removed to Waukesha, but returned to Madison in the fall of 1870 and continued to reside there until his death. In 1872 he was chosen police justice without opposition, and in 1874, 1880 and 1886 was elected judge of the municipal court of Dane county, which office he held at the time of his death, in 1889.

Judge Braley was a frequent contributor to the newspapers and other periodicals on political and literary topics, and attained some distinction as a Shakspearean scholar. As a judge, though never a very diligent student of the law, he gave considerable satisfaction.

DAVID BRIGHAM.

Mr. Brigham was born at Shrewsbury, Worcester county, Massachusetts, August 15, 1786; graduated at Harvard in 1810; taught in Leicester academy and was tutor in Bowdoin college. He first prac-

ticed law at Greenfield in his native state, and subsequently at Fitchburg. In 1839 he removed from there to Wisconsin, settling at Madison, where he resided until his death, August 16, 1843. He was the father of the late Jerome R. Brigham, Esq., of Milwaukee.

E. E. BRYANT.

Edwin Eustace Bryant, dean of the college of law of the university of Wisconsin, a law writer of experience, a legislator, soldier and lawyer, was born January 10, 1835, in Milton, Chittenden county, Vermont; received an academic education in the New Hampshire institute, spending two years in the classical department. In 1857 he came to Wisconsin, locating for a time at Janesville, where he was admitted to the bar in the fall of that year; he soon removed to Monroe, where he began the practice of his profession and engaged in journalism as joint editor with James Bintliff of the Monroe Sentinel. He remained there until the civil war broke out, when he enlisted as a private in company C, third Wisconsin infantry, declining a commission; was promoted to sergeant major before leaving the state; served three years, first as lieutenant, and in 1862 became adjutant of the regiment under Colonel, now General, Thomas H. Ruger. July 1, 1864, was appointed by the secretary of war commissioner of enrollment for the third district of Wisconsin, and in February, 1865, was commissioned lieutenant colonel fiftieth Wisconsin, and in that capacity served one year in Missouri, a considerable part of the time as judge advocate at department headquarters.

On leaving the military service by resignation in 1866 Colonel Bryant returned to Monroe, where he resumed the practice of the law, and continued therein until 1868, when he became adjutant general of Wisconsin and private secretary to Governor Fairchild. Since that date he has lived in Madison. In 1872, after the close of Governor Fairchild's administration, Colonel Bryant formed a law partnership with William F. Vilas, which continued until 1883. From 1876 until 1882 he was adjutant general. In 1878 he served as a member of the assembly, being chairman of the joint committee on the revision of the statutes. In conjunction with Mr. Vilas, Mr. Bryant was appointed in 1872 by

the justices of the supreme court to revise and annotate eighteen volumes of the Wisconsin reports; he also reported volume thirty-seven for the reporter. In 1884 Mr. Bryant was appointed assistant United States attorney general for the postoffice department, the duties of which position he discharged for four years. In 1889 he became dean of the college of law of the university of Wisconsin, a position now held by him. Since 1893 he has been a member of the commissioners of fisheries and president thereof, as he now is, and also a member of the board of commissioners of the geological and natural history survey and vice president of that board.

Mr. Bryant has written on legal topics quite extensively and very acceptably. His first effort in that direction was made in 1869 in conjunction with John C. Spooner, in compiling the town laws and preparing forms and notes for the same. In 1884 he completed his *Wisconsin Justice*; in 1894, a treatise on *Code Pleading*; in 1895, a work on *Elementary Law*; in 1898, a treatise on *Practice in Civil Actions Under the Wisconsin Code*, besides a work on *Code Forms* which has passed through three editions. (These books are more particularly mentioned in chapter IX.) While occupying the position of assistant attorney general of the United States he prepared a volume of postal laws and regulations and a manual of instructions to postoffice inspectors; at the same time he edited the *Postal Guide*. In 1897 he wrote a very interesting history of the supreme court of Wisconsin for the *Green Bag*, a valuable magazine for lawyers, published in Boston. His military experiences are recorded in the *History of the Third Regiment Wisconsin Volunteers*, written by him and published in 1891.

Besides achieving success in the numerous and somewhat diverse avocations in which he has been engaged, Mr. Bryant has been much in demand as an orator. Before he ceased to take an active part in politics he was often called upon to give his reasons on "the stump" for the faith that was his. Since that time the calls have been for divers occasions, such as Memorial day and the Fourth of July. A very popular lecture of his is that on the battle of Gettysburg. His talents as a lecturer have been generously given for worthy public and charitable

purposes. Few men have touched life at more points than Mr. Bryant and very few have met its responsibilities with more credit than he.

June 29, 1859, Mr. Bryant married Louisa S. Boynton, of Monroe. They have four children.

J. H. CARPENTER.

Jairus Harvlin Carpenter was born February 14, 1822, at Ashford (now Eastford), in Windham county, Connecticut, and is of English and Scotch descent. His father, Palmer Carpenter, who served as a soldier in the war of 1812, was a son of Uriah Carpenter, who, with his father before him, Hezekiah Carpenter, were both sturdy puritan residents of Connecticut. Palmer Carpenter married Martha Brown, who, during the civil war, went to her grave with her motherly heart filled with anxiety as to the fate of her youngest boy, who, while serving in the army, had been attacked by fever and lay unconscious in a hospital. Palmer Carpenter died in 1873 at Saint Charles, Winona county, Minnesota, to which state he went in 1856.

The subject of this sketch was the third of a family of nine children, of whom eight grew to maturity. The eldest of these, Uriah, now seventy-nine years of age, is living at Dover, in Minnesota, while another brother is in Connecticut. Of six sons, four entered the army; of these one died at Key West of yellow fever and another succumbed to injuries received through exposure.

Young Jairus, whose father was a farmer, passed his boyhood in Eastford, spending some portion of his time in work on the farm until he was twenty-two years of age. As for his schooling, it was of a somewhat irregular description, being obtained in the district school and academy during the fall terms. Having decided to become a member of the legal profession, he commenced to read law in the office of Frederick Hovey, in his native town, and completed his studies with Loren P. Waldo, afterwards for some time pension commissioner at Tolland, Connecticut. It was in the latter town that, in 1847, he took his examination and was admitted to the bar. To pay the way for his legal studies, industry had become a most necessary virtue. During the winter months he had taught school and in summer worked in the

harvest field, in that way being enabled to live until his profession should bear some fruit. The active practice of his profession was immediately begun in Willimantic, Connecticut, and there he remained for some nine or ten years. During that time a large number of the more important cases in his state were handled by him and he was associated for some time with La Fayette S. Foster, later president of the senate during the administration of Andrew Johnson. His successful practice quickly won for him a place in his profession. Among other notable cases with which Mr. Carpenter was connected may be mentioned the trial of the robbers of Windom bank, in which his associate was Mr. Waite, cousin of Chief Justice Waite of the United States supreme court and nephew of Chief Justice Waite, of Connecticut. Another case attracting much attention was *Kelly vs. The Town of Lebanon*, in which his associate was ex-Governor Cleveland of Connecticut, and in which a verdict was won for an amount larger than up to that time had ever been recovered in the state of Connecticut in a case of similar kind. In 1852 he was married to Martha C. Kendall, of Palmer, Massachusetts, a lady of puritan ancestry. Three years later, and again in 1856, he visited in the west, and was so favorably impressed with the location of Madison, Wisconsin, that he determined to make that town his future home. To his energetic mind to think was to act, and in 1857 he carried out his resolve and settled there.

Once more he took up his profession and quickly made himself a power in the community. His first partnership was with John W. Johnson, the firm name being Johnson & Carpenter, but this was of short duration, and six months later he associated himself with the well-known General E. T. Sprague, now with the majority, and the connection continued until the breaking out of the war, when General Sprague went into the military service. In 1868 a partnership was formed by him with Captain R. J. Chase, now of Sioux City, Iowa, which continued until 1883, when Mr. Chase decided to move to Iowa.

In 1877 Mr. Carpenter was appointed by the justices of the supreme court a member of the commission to revise the statutes of Wisconsin. In that capacity he became responsible for the title of the revised statutes of 1878 known as "proceedings in county courts." This work,

vastly important as it was, he performed so well that but little change has been made in it to this time.

Mr. Carpenter continued to practice alone until 1885, when Governor Rusk, recognizing his superior abilities and peculiar aptitude for the position, appointed him county judge. This was, however, for the balance of a term, from November until the January following, and when the time for election arrived he was elected for the full term of four years. For two succeeding terms he was elected without opposition, but in April, 1897, a candidate was placed in opposition. However, success was again with him and he was elected for the full term, from January 1st, 1898, to December 31st, 1901.

His power in the community was, as has been said before, recognized almost immediately upon his settling in Madison. In 1868 he became dean of the law school of the university of Wisconsin, of which he was one of the organizers, being succeeded in that honor twelve months later by H. S. Orton and afterwards by P. L. Spooner. In 1875 Mr. Carpenter was again made dean, and held the office continuously until 1884, when he resigned. He has continued to lecture up to the present time, chiefly on contracts, including contracts of agency, bailment and partnership, and feels intense pride in his nearly thirty years' connection with that noble institution. In 1862 he was appointed a member of the city board of education, in which capacity he remained for twenty-eight years, and for the last twenty-three years of that time served as its president. There are eight schools in all which owe their foundation to the activity and energy of his disposition.

His legal standing was honored in 1874 by the university of Yale with the degree of A. M., and in 1876 the university of Wisconsin gave him his degree of LL. D.

A great book lover, Judge Carpenter has at all times taken the greatest interest in the formation of libraries. Throughout the various school districts in which he has been interested he has founded schools and when he was elected to the bench he signalized the occasion by distributing his library among students, and at the same time gave one hundred volumes to the university of Wisconsin.

In his political opinions he has never swerved from the principles of

the republican party, and for a number of years his party recognized his services by electing him as a member of the city council.

Judge Carpenter attends the Presbyterian church, and is a great temperance advocate. During his earlier years he was extremely active as a member of the Good Templars.

An honest man, an upright judge, an able and distinguished lawyer, he possesses a high and most honorable position, with the additional gratification of knowing that whatever he enjoys of success and high standing has been the result of his strict integrity, his honorable conduct, his absolute regard for justice and his wonderful industry.

JOHN CATLIN.

John Catlin was born at Orwell, Addison county, Vermont, October 13, 1803. His educational advantages were quite limited, being only such as the common district school afforded, with the exception of one year at the academy in Shoreham. At the age of eighteen he quit school and adopted the business of teaching. He taught school for nine successive winters, devoting his summers to self-culture and the study of law in the office of Augustus C. Hand, of Elizabethtown, Essex county, New York, and was admitted to the bar in 1833.

In May, 1836, Mr. Catlin left New York with a view to locating in some western state or territory and there engaging in the practice of his profession. He had no settled plans, but was inclined to go to Grand Rapids, in Michigan. At Detroit he met Moses M. Strong, who was on his way to Mineral Point, Wis., in pursuance of an engagement into which he had entered of investing money for eastern capitalists in the public lands then recently opened for sale at that place. The two, having a slight previous acquaintance, determined upon the formation of a partnership as lawyers and land agents, and, after a weary journey, arrived at Mineral Point early in June and were present at the organization of the new territorial government at that place, on the Fourth of July, 1836.

Mr. Catlin was present, as a looker-on, at the first session of the legislature, held at Belmont in October, 1836, and took an active interest in the location of the capital at Madison, and was one of the first to

purchase lots there. At the same time he was appointed clerk of the supreme court, which involved the necessity of his ultimate residence at that place. In the spring of 1838 a postoffice was established at Madison, and Mr. Catlin was appointed the first postmaster and soon after removed there to reside permanently. At the second session of the territorial legislature, which met at Burlington, Des Moines county, November 6, 1837, he was elected clerk of the house of representatives and was re-elected at each subsequent session until 1844, when he was elected a member of the council, and held that office during the years 1845 and 1846. In February, 1846, he was appointed by President Polk secretary of the territory, in place of George R. C. Flloyd, removed, and continued to hold that office until the admission of the state into the Union in 1848. Mr. Catlin was also the first district attorney of Dane county. After the organization of the state government he was elected judge of the probate court of Dane county, which office he held until 1851, when he resigned it to accept the presidency of the Milwaukee & Mississippi Railroad company, when he removed to Milwaukee, and subsequently to Elizabeth, N. J., where he died August 4, 1874, having been in very poor health for about ten years.

O. M. CONOVER.

O. M. Conover, from 1864 to 1884 reporter of the supreme court of Wisconsin, was born at Dayton, Ohio, October 8, 1825; graduated from Princeton college in 1844; taught in Kentucky and in the Dayton academy; in 1846 entered Princeton theological seminary, from which he graduated in 1849. In 1850 he settled at Madison, Wisconsin; became one of three members of the faculty of the state university, with which his connection continued until 1858, most of that time occupying the chair of ancient languages and literature. In 1859 he was admitted to the bar; August 11, 1864, was appointed official reporter of the supreme court, which position he held until his death; he was also for some years state librarian. His labors as reporter cover volumes 16 to 58, both inclusive. In the summer of 1882 Mr. Conover went abroad to recruit his health; as he was about to return to his home he was taken ill in London and died there April 29, 1884.

In making to the supreme court formal announcement of Mr. Conover's death, Judge P. L. Spooner said: "In the reports prepared and issued under his supervision Dr. Conover has paid the debt which it has been said every lawyer owes to his profession. These reports furnish enduring evidence of legal learning as well as of literary taste. . . . In breadth and thoroughness of scholarship, it is not too much to say that among the members of the [Dane county legal] association he was easily chief, and some productions of his pen, in the rare hours of leisure which came to him, leave us in doubt whether, in the exclusiveness of his devotion to official duty, literature has not lost even more than jurisprudence has gained. But it is not for his legal learning nor for his literary attainments, however great, that our tribute of respect and admiration is due, so much as for his moral worth, for his conscientiousness, for his love of truth which made insincerity impossible to him, for his purity, for his integrity, for the example of a life in which no duty seems to have been left unperformed and whose record is without a stain."

Chief Justice Cole, responding for the court, said, in part, that the excellence of Dr. Conover's work as a reporter is equal to its extent. "Generally the facts are given in a brief, accurate and perspicuous manner, clothed in language singularly clear and attractive. We venture the assertion that his reports will compare favorably in manner, accuracy of statement and literary merits with the best American reports of the day. . . . It is not easy for me to speak of the character of Dr. Conover in the various relations of life in that calm, judicial tone which is most appropriate to this place and to an occasion like this. For nearly thirty years he was my intimate friend, and our cordial relations were never disturbed for a day. Therefore, when I come to speak of him, warm words of praise and commendation instinctively come to my lips and seek expression. But I do not intend to indulge in any eulogy or to say one word about Dr. Conover which is not absolutely just and merited. I know he would not wish me to. Could he express a desire, I am sure he would say let the maxim *de mortuis nil nisi bonum* be changed when applied to me by substituting the word *verum* for *bonum*: 'Let nothing be said but what is true.' He was truly a

good man, as free from meanness, envy, malice or uncharitableness as any person I ever knew. There was united in him entire rectitude of judgment, a nice sense of honor and great purity of heart. He was true to principle, honest in his dealings with his fellows, and a lover of all that was virtuous and good in human nature. He was a genuine patriot, loving his country and his whole country with a devotion which did not falter or faint. He was also warm in his affections, 'an invaluable and faithful friend, a devoted husband and father, and toward his fellow-men exhibiting an enlarged and comprehensive affection and reverence for their rights and liberties.' He was deeply interested in all the currents of thought and feeling which agitated the intellectual and political world, studied their tendency and marked their progress. He was remarkably well informed in history and literature; read the German and French languages with facility, and was a very fine classical scholar, especially in Greek."

JOHN L. ERDALL.

John L. Erdall, senior member of the firm of Erdall & Swanson, was born in Dane county on June 5, 1863. His father, Lars J. Erdall, was a native of Norway, and came direct to Wisconsin when only seven years of age. Subsequently he cultivated a farm in Dane county, upon which John L. was born. His mother's maiden name was Anna Leland.

The first seven years of his life the boy passed upon the farm, but in 1870 his father removed with the family to Madison and was employed for many years as a bookkeeper. The son was thereby enabled to secure the benefits of a thorough education, passing through the public and high schools of Madison and graduating in 1885 from the collegiate department of the university of Wisconsin. He studied law under the special tutelage of John M. Olin and enjoyed a two years' course in the university law school, graduating from the latter and commencing practice at Madison in 1887.

Mr. Erdall commenced his career in association with the firm of Ollis & Helms, but after an experience of nine months he decided upon an independent course. Until 1893 he continued alone, when he

formed the partnership with S. T. Swanson which still exists under the firm name of Erdall & Swanson. He has always been a strong and active republican and was elected district attorney of Dane county in 1889 and appointed assistant attorney general of the state in 1895. At the time of his appointment to this position there was but one assistant to the chief official, so that his duties were unusually arduous and his responsibilities great.

Throughout his career Mr. Erdall, both in behalf of the state and in his individual capacity, has been the attorney in much important litigation. He has been especially identified with many insurance cases involving interesting points of law and is considered an authority in this specialty. His public and private duties have been such that he has found little time to devote to society matters, although he is a member of the Masonic fraternity.

Mr. Erdall was married on August 11, 1885, at Madison, to Bertha T. Swanson. They have four children—Agnes, Leonard, Arthur and Marie.

JAMES MONROE FLOWER.

James M. Flower, senior member of the prominent Chicago firm of Flower, Smith & Musgrave, has a special claim upon the affections of Wisconsin lawyers, and especially those who have secured their degree from the state university. He has been president of the alumni association of the Wisconsin university and, aside from his high standing in the profession, it is most appropriate that he should be thus honored.

On the 5th of February, 1849, that institution first opened its doors to the world, and Mr. Flower was one of the few who passed through them. He graduated in 1856, taking the degrees of A. B. and A. M., and of the thousands who have since gone from the university into the world of thought and action none have been more generally esteemed and honored for their intellectual, spiritual and professional attainments than Mr. Flower.

A native of the Empire state, he was born in Hannibal, Oswego county, March 10, 1835. The birthplace of his parents, Calvin and Hannah (Phillips) Flower, was Ashfield, Massachusetts, and their an-

cestry also had its root in the Old Bay state. When James was nine years of age the Flower family migrated from New York to Wisconsin, settling at Sun Prairie. The mother died in 1881, and the father in 1895, at the age of eighty-five years.

As Sun Prairie is but a few miles northeast of Madison it was quite natural, when the university was established at the capital, that the bright boy who then lacked but a month of his fourteenth year should be enrolled as one of its pupils. At that time it had no law department nor any other except a preparatory school, and its curriculum lacked much of its present breadth in every respect. The seven years there spent were most fruitful in results to the industrious student. Previous to his graduation, in the fall of 1856, he had taught for two winters and soon afterwards commenced to study law.

In the fall of 1857 Mr. Flower was appointed deputy clerk of the supreme court and during the succeeding year clerk of the commissioners upon the revision of the state statutes. Subsequently he went to Hartford, Connecticut, as assistant to Hon. Fred S. Lovell in supervising their publication, and, having satisfactorily accomplished that task, went to Albany, New York, to complete his legal studies at the law school. From this institution he was graduated in May, 1859, receiving the degree of LL. B., and on the 10th of March, 1860, he became the junior member of the law firm of Abbott, Gregory, Pinney & Flower, at Madison, and continued in practice with that firm and others until January 1, 1873, establishing a broad reputation, both as a lawyer and a public-spirited citizen. For a period of two years during the civil war he served as police justice; after its close he was for some time deputy collector of internal revenue, and other marks of public esteem and confidence were placed to his credit previous to his departure for Chicago, at the close of the year 1872.

Mr. Flower commenced his legal career in Chicago on the 1st of January, 1873, and for the past quarter of a century has been adding to his reputation, already obtained in Madison, as a highly educated, high-minded man and an accurate, able and conscientious lawyer. Of late years his specialty has been commercial law. He has been receiver for

the German National bank and other financial institutions, and in these special fields he has few, if any, superiors.

In September, 1862, Mr. Flower was married to Lucy L. Coues, of Washington, D. C. They have a family of three children. Mrs. Flower is a woman of remarkable strength and depth of character, prominent in many works of charity and reform which affect city, state and nation; in fact, she is one of the ablest women in the country, generous and charitable, yet strong and just. Both Mr. and Mrs. Flower are firm republicans.

CHARLES R. GILL.

The birthplace of Mr. Gill was Winfield, Herkimer county, New York; the time, August 17, 1830; from there he removed to Genesee county, in the same state, with his father's family, in 1843. His boyhood years were spent upon a farm and in attending or teaching the common schools in the vicinity of his residence. On attaining his majority he entered upon the study of the law at Batavia, in his native state, and pursued that study for three years. He was admitted to practice in 1854, and in the fall of that year located at Watertown, Wisconsin. His experiences were such as are common to young lawyers, and his patience was greatly tried before any measure of success came to him. He did not abandon the field, but won an enviable place in the esteem of the people and the respect of his professional brethren and the courts.

During the early period of his residence in Watertown he served three consecutive terms as superintendent of schools and a brief time as police justice. In 1859 he was elected state senator, having become an independent candidate. He was then but thirty years of age and had been in the state only six years. The memorial of the Dane county bar association (prepared by R. M. Bashford in behalf of a committee consisting of himself, I. C. Sloan and Alden S. Sanborn) says of Mr. Gill's career in the senate and his record as a soldier, that "though the youngest member in that body, he took an active part in all its deliberations and at once attained a high rank as a debater. During the last year of his term the war broke out, and General Gill advocated at the

outset the most aggressive measures for the suppression of the rebellion. . . . Military preparations were then a necessity, and General Gill was placed at the head of a committee raised for that purpose, and was the recognized leader of the war party in the legislature. His record in the senate showed him to be a man of broad views, of deep penetration, of great sagacity, and with a thorough knowledge of men and affairs, and one who, with larger opportunities, would have developed all the higher qualities of statesmanship. His senatorial career had more than met the highest expectations of his friends, and the distinctions and rewards of public service in civil life seemed to await him, but he turned aside from this sure and easy road to political preferment for the dangers and hardships of the camp, and, before his term of office had expired, enlisted as a private soldier in the Union army. He was afterwards elected captain of his company, and upon the organization of the twenty-ninth regiment, Wisconsin volunteer infantry, was chosen its colonel. . . .

"He served through the long and arduous campaign against Vicksburg under General Grant, and took a prominent part in the battles of Port Gibson and Champion Hills, and other engagements, in all of which he distinguished himself by his courage and gallantry. He, with his brave boys, saved the day at Champion Hills, when disaster to the Union forces seemed inevitable. He was highly complimented by his superiors for the personal bravery, patriotism and sagacity he displayed on that day and for the heroic part he so nobly acted in that engagement. At that hour his star appeared in the ascendant, and he was then considered one of the most gallant, patriotic and brilliant officers in command of a regiment in the western army. Rapid promotion and military distinction, or an honored grave on the field of battle, seemed in wait for him; but such was not to be his destiny. As he was about to realize this, the highest ambition of a patriot, he was stricken down with an incurable disease and compelled to return to his home a hopeless invalid, to drag out, in pain and suffering and disappointment, the remaining years of a life that had dawned with such great promise."

Mr. Gill resigned his position in the army June 27, 1863; his health improved on his return home so as to permit him to resume the prac-

tice of the law and to take part in public affairs. He served as attorney general from January, 1866, to January, 1870; "he served with distinction as government counsel in the matter of the Wisconsin river improvement and discharged the arduous duties of commissioner of pensions for several months with a fidelity that was highly commended by his superiors; but during all these years he never passed a day when he was free from the exhaustion, fatigue and suffering of a dread disease. During all this period, however, from the time he left the army till 1877, he participated actively in politics and was widely known as a popular stump speaker. Wit, logic and eloquence were all at his command, and he possessed the happy faculty of understanding his audience and of suiting himself to the occasion."

Mr. Gill became a member of the Dane county bar after he ceased to hold office, and practiced in Madison, having his residence beyond the city limits. Death came to his relief March 28, 1883, in the fifty-third year of his age. The memorial from which quotation has been made was presented to the supreme court by J. C. Gregory, Esq., May 31, 1883. In answer thereto and to Mr. Gregory's address, the court said, by Mr. Justice Orton:

"The court must fully endorse the sentiments therein expressed and lament, with his family and friends and with the members of this bar, the departure by death of a most affectionate husband and father, a distinguished citizen, and one of the most eminent members of the legal profession. I have been intimately acquainted with General Gill from the time of his coming into this state until his death. During his most active practice at the bar I had the honor to preside as judge of the ninth judicial circuit, and was in a situation to know the peculiar characteristics and the merits and demerits of the bar of that circuit, personally and professionally. At that time the bar of Watertown and Jefferson county, in that circuit, consisted of lawyers of eminent ability, and an honorable competition and laudable ambition to excel were incentives to the very best effort of each. It was a fair and honorable contest, and it is proper for me to say, without being chargeable with invidious comparison, that General Gill was not inferior in any respect to any of them.

"I remember well his severance from his party at a time when the excitement and intense political feeling made such a change, and in one so prominent, of very great importance, and I know that he was actuated by patriotic principles and the most disinterested motives. His inborn hatred to the institution of slavery and his opposition to its extension into the territories caused him to leave his friend and leader whom he honored, Senator Douglas, in the very midst of his Wisconsin campaign. I speak of this because, at the time, it was made the subject of general comment and considerable criticism and was regarded as an important step in his life.

"As a lawyer, as well as a man, General Gill was the very soul of honor, and he was never required to reduce to writing any of his stipulations, and he was ever ready to grant professional favor and accommodation to his brethren. His natural abilities were very great, and his quickness of apprehension made him acquire knowledge as by intuition. His education was solid and practical, and his knowledge of the law profound. Before the courts his arguments upon the law were logical, methodical and finished, and before juries and popular audiences he was eloquent. He was candid and honest with himself, as well as with others, and was never self-deceiving. He may have appeared to some to have formed his opinions hastily and without sufficient deliberation, but it was not so, and such appearance arose from his great ability to scan the whole ground at a glance and form an opinion without the reluctance of prejudice or the hesitation of timidity. He was bold, brave and fearless, mentally as well as physically. He would march in the straight way where reason led him to any conclusion, no matter what, and he had the true physical courage not to fear any bodily hurt. He had great peculiarities of mind and manners, which distinguished him from all other men. His idiosyncrasies, coupled with such remarkable intellectual powers, stood him aside, and, in many respects, above most men. In philosophy, literature and art these strong peculiarities would have made him a genius. He was a study, and to understand and duly appreciate him he must have been well known and closely observed. Those who have seen him only occasionally or observed him but little may have supposed that his most prominent traits

of character were humorous, dashing, thoughtless and, perhaps, superficial. But he was really thoughtful, philosophical and judicial, and his reading, observation and reflection gave him such a comprehensive grasp of human affairs and such a solemn and earnest inquiry as to divine things and the future life that it produced in him, very often, sadness, melancholy and gloom. He was so truthful and direct in thought, action and belief that he despised the very semblance of insincerity, false appearances and mere pretensions. He was, therefore, a merciless critic, and almost cynical in his analysis of sham character and the claims of the overwise and pretentious. This tendency to criticism was sometimes construed as malevolence, when he was prompted by really the kindest motives and moved by the most honest impulses. He was an honest hater and a faithful friend, and he never deserted a friend or an enemy. He was sometimes thought to be jealous of the successes of others, by his readiness to point out their deficiencies for the place they assumed to fill, but this supposition, not often indulged in, was rebutted by his ready declination of personal or political honors tendered to himself. He may have sometimes formed his opinions quickly, but always did so honestly, and he never feared to express them by any considerations personal to himself. He was eminently practical, and subjected everything to the test of trial and experiment before accepting its verity, and he was seldom governed by policy or expediency.

"In religion he may have never settled down upon any system or articles of faith, but he was not a skeptic so much as an honest inquirer after truth. He was naturally of strong religious feeling and revered God as his creator and lawgiver, and approved of an unostentatious and spiritual worship, unaided by any of the ridiculous impersonations of Deity, in order to bring them into familiar intercourse with man, which he was wont to hold up to ridicule as arrogant, irreverent and presumptuous.

"His reason on all subjects was logical and his judgment clear, and he was honest in his convictions, both as to principles and men. His wit was keen and incisive and often startled us with its sudden flashes out of the very clouds of melancholy. He was generous, placable and kind, and never designed to injure to gratify his malevolence.

"He was patriotic, and thought and talked much of his country and its destiny, and in the great war of the rebellion he modestly and disinterestedly enlisted in the ranks, and for his ability and merit he was called to command a regiment. He was faithful to all the public trusts committed to him as an officer, civil or military, and his integrity was above question in all transactions public or private. His abilities were commensurate with the very highest duties he was ever called upon to perform."

J. C. GREGORY.

Jared Comstock Gregory was born at Gregory Hill, in the town of Butternuts, Otsego county, New York, January 13th, 1823. His parents were Ebenezer and Millie Maxwell Gregory. His father was a farmer, and the son had the usual experience which came to a farmer's boy at that time and in that region. He attended for a time Gilbertsville academy, and afterwards pursued his studies under a tutor at Cooperstown, thus acquiring a good education in common branches of instruction and some familiarity with the ancient classics. After a brief experience in teaching school he entered upon the study of the law in the office of Judge Charles C. Noble, of Unadilla, having as a fellow-student General E. S. Bragg, of Fond du Lac. He was admitted to the bar of New York in Cortland county, and soon began practice in Unadilla. He was married March 5th, 1848, at Unadilla, New York, to Miss Charlotte C. Camp, of Owego, New York.

In 1856 he was nominated and ran for Congress on the democratic ticket, but was defeated, the district being largely republican. His relations with the democratic leaders of that part of the state were intimate and cordial, and he was a close friend of Colonel Thomas North, of Unadilla, and Daniel S. Dickinson.

In 1858 he went to Madison, there forming a partnership with Hon. S. U. Pinney, afterwards an associate justice of the supreme court of this state. This partnership continued for twenty-one years, Chauncey Abbott, Esq., and James M. Flower, Esq., afterwards of Chicago, being at one time members of the firm. In 1879 Mr. Gregory took Charles N. Gregory, Esq., his second son, into partnership, which continued up

to the time of his death. Colonel George W. Bird of Madison was for a short time a member of the firm. Mr. Gregory was elected mayor of Madison in 1873 by a very large majority, was a delegate to the national democratic convention in 1880 and one of the vice presidents of that body, was for twelve years a regent of the state university, and a member of the executive committee of the board, retiring voluntarily in 1881. In the same year, at the earnest solicitation of his party, he accepted the nomination for Congress in the third district, and, though he was defeated, reduced a normal republican majority of three or four thousand down to one thousand. During the war of the rebellion he was a Union democrat, and in 1863 participated in the Union convention in this state which nominated Hon. James T. Lewis for governor and drafted the platform upon which the campaign was conducted and Governor Lewis elected.

He was appointed postmaster of Madison by President Cleveland in 1886 and served in that capacity four years.

Mr. Gregory was an Episcopalian and a regular attendant at Grace church, of which he was for many years a vestryman. He died at his home in Madison, where he had lived for thirty-four years, on the morning of February 7th, 1892, from surgical shock following an operation performed on the 4th of that month.

In the community where he had lived so long he had many friends and few, if any, enemies. He was essentially a popular man in the literal sense of the word. He was a man of the people and his sympathies and feelings were with them. Of frank and ingenuous nature, he greeted all men with an unaffected cordiality which invited confidence and inspired friendship. He took and manifested a genuine interest in the affairs of his friends and acquaintances and was ever ready to aid and promote them. Born and raised on a farm, he was fond of horses and knew and justly valued their good points and always retained a keen appreciation of the beauties of nature. No one was more fully impressed with the great natural beauty of Madison, a theme upon which he often discoursed with enthusiasm and eloquence.

He was fond of the society of his fellows, had a wide acquaintance throughout the state and the west generally, meeting many men in dif-

ferent localities and seldom forgetting any whom he met or permitting them to forget him. His office was always a familiar rendezvous for the leading members of the local bar and those in Madison from about the state. There they met in moments of leisure and discussed law, religion, politics, literature and other themes in which the bright minds of the profession find intellectual recreation.

He was thrifty and prudent, though never niggardly, restricting himself somewhat in personal expenditure, but generous to those who were either dependent on him or who had any plausible claim upon his benevolence. As to his own obligations, his word was as good as his bond, and both were beyond question. He had a high appreciation of the best in literature, particularly of the Bible, with much of which he was quite familiar, and the English classics, and was fond of music and poetry. His quotation of lofty and expressive verse was frequent and apposite.

As a lawyer, most of his work was in consultation and negotiation rather than forensic. The qualities already referred to equipped him admirably for this field of professional labor. He had a still more valuable faculty, however—that fine sense of justice which enabled him to see the very right of a controversy to which his client was a party. His mental vision was not clouded nor his moral sense obscured by his retainer. Clients who asked only that to which they were justly entitled could find no more faithful counsel; he did not desire the retainer of those who demanded more.

He had a fine and just appreciation of the great principles of the law. He was not one of the so-called “learned lawyers” of the present, the product of digests, cyclopedias and other short cuts to legal proficiency, who can at a moment’s notice so inundate a court with authorities upon any proposition as to confuse the plainest question. These value their briefs by their length and the number of citations they contain, most of which necessarily have nothing to do with the question under discussion and answer no purpose except occasionally to impress a feeble and poorly equipped judge or an anxious client with a great show of learning.

In forensic discussion Mr. Gregory cited and intelligently com-

mented upon leading cases as they explained and enforced the principles of the law for which he contended; he never insisted that white was black upon the authority of the most recent decisions.

Comparatively late in life he developed a great faculty for the conduct of jury trials, and for years seldom failed to get a verdict in any case where such a result was to be deemed a reasonable possibility. His fairness, candor and enthusiasm, coupled with an attractive presence, a fine command of language and great earnestness, all combined to make him a formidable adversary before a jury.

He was for many years employed as local counsel for the Chicago, Milwaukee & St. Paul railway at Madison, and as special counsel in special matters by the Chicago & Northwestern. With General George B. Smith, he largely promoted the building of the extension of the latter road from Madison to Baraboo and secured the right of way. His practice was general, embracing criminal cases as well as other jury cases, cases in equity, cases before the courts of review and occasionally a patent case. He was also for some years connected with the great legislative controversy over proposed improvements in the dells of the Chippewa river, a matter exciting great local interest and involving many difficult and important questions of law.

His widow and two sons (Stephen Strong, a lawyer of Chicago; Charles Noble, associate dean of the college of law of the state university) and a daughter (Cora Whittlesey) survived him. His death came home as a personal bereavement to a wide circle of acquaintances whose confidence and regard had been won by his kindly nature, his many virtues and his cordial and friendly bearing. Many messages of condolence and appreciative memory of him were received by the members of his family from Chief Justice Fuller, of the United States supreme court; Governor Rusk, then secretary of agriculture; United States Senator William F. Vilas, ex-Governor Hoard, General E. S. Bragg and many other friends equally valued if in less public station.

They thus paid a just tribute to the memory of an upright, warm-hearted and generous man, who, as they all felt, would have sincerely mourned for them had they been taken and he spared.

JEFFERSON C. HARPER.

Jefferson Crawford Harper is a native of Wisconsin, having been born at Hazel Green, Grant county, in 1859. His father, Moses Allen Harper, was a farmer of strong character and logical mind. He had been admitted to the bar of Pennsylvania, but never practiced his profession. Hester Lewis, his mother, was a Virginian by birth, and came from a legal family, her father and three brothers having been lawyers. The Harper family migrated from the Keystone state to Wisconsin in 1849, settled upon a farm in Grant county, remained there until 1885 and then removed to Madison:

J. C. Harper graduated from the Hazel Green high school, was a teacher for several years, and thereafter for some time was engaged in grain buying and selling in Minnesota and Dakota. He came to Madison in 1888, studied law in the offices of La Follette, Harper, Roe & Zimmerman, and entered the law department of the university of Wisconsin, from which he graduated in 1891. After being admitted to the bar he remained with this law firm until 1894, when he formed a partnership with his brother, Samuel A. Harper, under the firm name of Harper & Harper. In 1898 the brother, Samuel A., died, and since his death Mr. Harper has continued his practice without forming any other partnership. Since 1895, in addition to attending to a large general practice, he has been a court commissioner, and as such has had numerous important matters brought before him. Mr. Harper has gained distinction in his profession more especially as a safe and wise counsellor rather than as an advocate, by discouraging litigation, and avoiding the trials and expenses of lawsuits in the interests of his clients. He has made hosts of professional friends, and established a large and profitable business. His practice is general, and is conducted in connection with various large individual enterprises confided to his care; as the attorneyship for the Hausmann Brewing company. In ways not connected with his profession, Mr. Harper has also borne a leading part. He is, for instance, identified with the Secret Order of Elks, is president and manager of the Dane County Telephone company, and as a republican has been quite active in politics. He is a tireless worker,

is widely esteemed as a man of the strictest integrity of character, and is an honor to his family and the community in which he lives.

SAMUEL ALBERT HARPER

was born January 9, 1853, at Hazel Green, Grant county, Wisconsin. He died March 19, 1898, at his home in the capital city of his native state. His parents were both Virginians and were descendants of the oldest families of that state. The father, Moses A. Harper, the son of a college president, was a man of superior mind and high ideals. The mother, Hester Lewis, who survives her distinguished son, is a woman of remarkable strength of character and brilliant mental endowment. She comes of a family of lawyers who attained eminence in the profession. Her father, Charles Lewis, was in his time a leading member of the Virginia state bar. Her brother, Charles F. Lewis, won high rank in his profession early in life, was chosen circuit judge and for many years served on the bench with great distinction. Two other brothers, Norval and William, while yet young men, were recognized as lawyers of commanding ability. At the breaking out of the war of the rebellion they enlisted upon opposite sides and lost their lives fighting under different flags—at the beginning for each of a great professional career.

Back of Samuel A. Harper, therefore, the ancestral lines were strong in character, brain and courage. Though born upon the old home farm near the little village of Hazel Green, many miles from a railroad station, he had the constant inspiration of a cultivated home and a daily example of beautiful life in his talented parents.

It became manifest, not only to the family but to all who came in contact with him as a mere child, that he was possessed of a mind of the very highest order. Before he had passed a dozen summers he had read everything in the home library, and knew well the books of the neighborhood. He was eager for scientific knowledge; he could quote the English classics and was already knocking at the door of the dead languages. He outran his classes and became the companion of the teacher in study. While yet but a boy he became a teacher of boys. He loved to acquire learning; he loved to impart it to others. With



Samuel A. Harper.

all his love for books, with him books were not all of life. Living in the country he always had with him and always appreciated the value of that "Knowledge never learned at schools" which is the country boy's birthright. The seed time and the harvest, the budding and the blossom, the flowers, the flight of birds, the changing seasons, the chemistry, the life, the laws, the secrets of nature, written in all her varied language, he loved and studied by the running brook and in the quiet woods.

While this boy had taught and earned and saved until he was sure of his college training, in September, 1875, he entered the University of Wisconsin, selecting the modern classical course of study. Here he took and maintained the highest rank in his classes, quickly winning the confidence, admiration and affection of faculty and fellow students. Strong limbed, lithe and active, he took great pleasure in athletics, and spent much of his spare time at the gymnasium. But little past the middle of his course it was his great misfortune to sustain a severe physical injury while exercising, which interrupted his college course and came near terminating his life. For two years he was unable to resume his studies, but in 1880 returned and entered the law department of the university from which he graduated with distinction in 1881. He was admitted to the bar at the circuit for Dane county, the supreme court of the state, and the Federal court for the western district of Wisconsin in June of that year.

A recurrence of the troubles resulting from the injury received at the university prevented him entering upon the practice of his profession until 1885, when he became a member of the law firm of LaFollette and Siebecker, at Madison, Wisconsin. The practice of this firm was a large one and the senior member having been elected to Congress in 1884, Mr. Harper was at once pressed into active service. He brought to the work a general knowledge which for scope and exactness has been possessed by few men in any generation. He brought, besides, a mind stored with legal learning, strongly grounded in the great principles, and so trained and disciplined as to enable him to command all of his resources instantly. His power of memory was remarkable. He seemed never to have forgotten anything which he

had read, heard or seen. He knew men at a glance and read them as an open book. In the office, as a counsellor, while he was quick to determine a matter submitted, no client who followed his advice ever complained. In the preparation of a case for trial, Mr. Harper was unsurpassed. Drafting the pleadings was his delight. His rare discrimination in the use of language, his clear mental vision, his wonderful ability in marshaling at once his comprehensive knowledge of the principles of law, the rules of pleading and the decisions of the courts, made his pleadings a work of perfection, in matter and a model in legal diction. While he shrank from the trial of cases in the court in the first years of his practice he mastered this nervousness and came ultimately to enjoy this part of the work, and indeed to excel in it. He was gifted in the powers of exposition. His fine analytical mind reveled in a knotty legal problem, and its elucidation to the court was an intellectual enjoyment both to the lawyer and the court.

Mr. Harper was United States district attorney for the western district of Wisconsin from 1890 to 1894. His record for good work has never been excelled. He tried a large number of hotly contested cases each session of the court. He won every case for the government but two, and in those two cases there were disagreements. He will be remembered by the members of the profession as one of the best lawyers of his brief time.

The character of Mr. Harper had a subtle charm difficult to portray. It is felt rather than understood by those who knew him intimately. One characteristic, however, stood above all others, and that was his enthusiasm. He impressed his friends as one who had been dipped in the fountain of eternal youth, and always kept the freshness of mind, the eagerness and boundless enthusiasm of a boy, together with the maturity and deliberation of manhood. This enthusiasm, this youthful quality, made him a most happy companion. He could be as interested in aiding a child to work out a prize puzzle in a newspaper as in the great political struggle in which he was involved. This youthful quality placed him in perfect sympathy with children, and made him a favorite with them. A multitude of the children of Madison knew him as "Uncle Sam." They were his frequent and welcome guests.

He had no question as to whether life was worth living. He loved it, regarded it as a precious gift, and enjoyed it in that spirit. While he prized life so highly, he took no care of his health. His restless, eager intellect and high strung nervous organization led him to continued exertion and constant expenditure of effort, regardless of time to eat or sleep, or thought of necessity for rest and recuperation. Keenly alive to the humorous, anything from a commonplace pun to the most brilliant scintillations of wit fell spontaneously from his lips, making him the life of every company. But his wit was always without sting or coarseness. He had a cleanliness of thought, a purity of nature, that would have befitted the highest womanhood, but which was none the less a consistent part of his perfect manliness.

His love of knowledge was a part of his individuality. No matter what the subject, his mind was always alert, observant, and, at the same time, reflective. He found everybody interesting, and drew information from the dullest. Under the spell of his interest and sympathy the most silent and timid became talkative, and opened their conversational powers like flowers their petals to the sun. Time was not to Mr. Harper when in the company of congenial people, and he believed with one who said that the best of life was conversation. He understood humanity perfectly, but had no disposition to criticise it unkindly. He always took the most liberal view of his opponent's attitude, and never entertained personal hostility. He was chivalrous toward women, generous toward men.

Mr. Harper considered all men equal. The aspirations of the least of his friends for the most obscure political preferment aroused his interest as much as the larger ambitions of more distinguished men. He had high ideals of public life and worked for their realization in the present generation; though just to all, his political sympathies were with the plain citizen. He was bitterly opposed to the use of political influence for private gain, and feared not to attack the highest who was so guilty. This sometimes brought abuse, which served but to spur him to greater efforts to abate the evil he opposed. Though otherwise well fitted for public speaking, he had a nervous dread of it which he overcame, however, in the last few years of his life. He addressed the republican league

several times during his presidency, and made campaign speeches for his party.

Though he sometimes impressed people otherwise, Mr. Harper was by no means an impulsive man. His action was always controlled by wise judgment. But under pressure he could focus his quick mind upon a proposition or a situation, and arrive at an almost instantaneous decision. When not pressed to an immediate conclusion, he was inclined to deliberate and consider too long, and to be dilatory in action. But no matter how or when arrived at, his friends relied upon his ultimate judgment in affairs of importance with unquestioning confidence. Much of his strength as a politician lay in his power to sit in judgment upon plans placed before him. A course of action having been decided upon, his mind never lost sight of a point in the game. Won or lost, he accepted the result philosophically and with the satisfaction that it had been played well and fair. He believed in the ultimate triumph of clean political methods. He was himself an example of a practical, effective political worker whose every thought and action would bear most scrupulous scrutiny.

If Mr. Harper's life had any one distinguishing characteristic it was affection. He loved his family, he loved children, he loved his friends and clung to them. Once people came within the radius of his heart warmth, they never again left it. The whole wealth of his nature was the property of his friends, and their interests were his. He was generous, steadfast, pure. In the words of one of his friends, "his loss is not temporary, but long."

"Now cracks a noble heart. Good-night, sweet prince;
And flights of angels sing thee to thy rest!"

BURR W. JONES.

Burr W. Jones, professor in the Wisconsin law school since 1885 and author of a treatise on the law of evidence, was born at Union, Rock county, Wisconsin, March 9, 1846, and is a son of William and Sarah M. (Prentice) Jones, natives respectively of western Pennsylvania and western New York. The father died in 1855, and the mother afterward married Levi Leonard, a pioneer of Rock county. They now



Burr M. Jones

reside at Evansville, in that county. Our subject had one sister, who is now deceased.

Burr W. Jones spent his early life on a farm and afterward attended the Evansville seminary. He then entered the university of Wisconsin, from which he was graduated in 1870, and the following year finished the law course of that university. To defray part of his expenses at the university he taught school during winter months. After leaving the university he entered the office of Colonel William F. Vilas. In the winter of 1871-2 he began the practice of his profession at Portage, Columbia county, Wisconsin, and a short time afterward formed a partnership with Alden S. Sanborn, of Madison, who was later elected county judge. This partnership lasted a number of years, after which Mr. Jones practiced alone until 1874. Since that year he has been at different times associated with General A. C. Parkinson and F. J. Lamb, and his present partner is E. Ray Stevens.

In 1872 Mr. Jones was elected district attorney of Dane county, on the democratic ticket, which position he held four years. In 1882 he was elected a member of Congress for two years, from the old third congressional district, which had always been hopelessly republican. In 1884 he was renominated, but was defeated, his party being in the minority; but he ran largely ahead of his ticket. Although in Congress but a single term, the record shows that he took an active part in debates and public business, and part of the time, during the long illness of the chairman, he was the acting chairman of the important committee on war claims.

For some years Mr. Jones served as city attorney of Madison, and for the past thirteen years he has been one of the faculty of the law department in the university of Wisconsin, and is now lecturer on domestic relations and the law of evidence and public corporations. During his connection with the law school he has been a general favorite with the large number of young lawyers under his instruction.

Mr. Jones was married in December, 1873, to Olive L. Hoyt, a daughter of L. W. Hoyt, late of Madison, and to this union has been born one child, Marion Burr.

Except during the time Mr. Jones was in Congress he has always

devoted himself to his chosen profession, and has won the reputation of being one of the leading lawyers of his state. His experience and skill as a trial lawyer have led to his frequent employment in the trial of important cases, some of which have attracted wide attention and involved large amounts of money. Of late years he has prosecuted and defended many negligence cases, and was connected with the long litigation of Angle vs. the Omaha Railway company, which extended through a period of nearly fifteen years in the federal courts. He was associated with Chief Justice Fuller before the latter was appointed to the bench, in the proceedings at Washington before the departments, for securing title to the lands included in the Wisconsin Farm Mortgage company's grant, and was also one of the attorneys for the defense in the celebrated roster case. He has devoted a great deal of time to the active work of the trial court and is recognized by his brothers in the law as one of the ablest trial lawyers at the bar. Especially is this true in the matter of the examination of witnesses, a duty which most often falls to him when he is associated with others in the trial of cases. But his practice is by no means confined to the trial courts. Few have a better standing or are given more respectful attention in courts of last resort.

In the preparation of his treatise on evidence, which has recently been published, Mr. Jones displayed those qualities of logical reasoning that have made his career as a lawyer and a lecturer upon legal subjects a success. The work, which was published in 1896, is issued in three volumes and has had a large sale. It has been very highly commended by the judges and reviewers in this country, Canada and England, and is used as a text book in several law schools.

In political campaigns Mr. Jones has been in great demand as a campaign speaker and has often delivered public addresses on other occasions. He was the chairman of the Wisconsin democratic state convention in 1892, and his name has often been mentioned in connection with the democratic nomination for governor and other public honors; but he has not encouraged these suggestions. After his first public connection with politics, Mr. Jones always acted with the democratic party until the campaign of 1896, when, in common with many



R. M. LaFollette

others, he refused to accept the platform of the Chicago convention. He was a delegate to the national democratic convention at Indianapolis and was chosen by the delegation to present the name of General Bragg as a presidential candidate. Although Mr. Jones has been drawn into some prominence in political affairs, he has generally declined political promotion, and his tastes are those of the lawyer and student.

He has always been devoted to the interests of his city, and hardly any measures of importance to the community have been inaugurated during the last twenty years with which he has not been identified.

He is now chairman of a state tax commission, lately appointed to examine the laws relating to taxation in the state of Wisconsin and to report thereon to the legislature.

EDWIN B. KELSEY.

Edwin Bolivar Kelsey was born in Perry, Wyoming county, New York, May 13, 1825; learned the printer's trade at Mt. Morris, Livingston county, and became foreman of the Daily Advertiser office in Rochester. In 1848 he located at Waukesha (then Prairieville), Wisconsin, and after preparation was admitted to the bar. He removed to Montello, Marquette county, where he practiced law and engaged in other business. He served in the assembly in 1853, and in the senate in 1855 and 1856. His death occurred February 12, 1861.

Mr. Strong has written: "Mr. Kelsey had fine native talents and good education, and developed such qualities as a lawyer as, if his life had been spared and he had confined himself to the profession, promised to secure for him an elevated standing at the bar. He was a man of sanguine temperament, noble, kind, generous, large-hearted and devoted to his friends, whom he was always ready to serve."

ROBERT MARION LA FOLLETTE.

Robert Marion LaFollette was born in the town of Primrose, Dane county, Wisconsin, June 14, 1855. When six years of age his parents moved to Argyle, in a neighboring county, where his time was divided between working on a farm and attending a district school. In 1873 the family moved to Madison, and here he attended a private academy

preparatory to entering the state university, where he was admitted to the freshman class in September, 1875. His early college work was characterized by his activity in the debating societies, and in literary work as editor and joint-owner of the university press. In his junior year he was elected by the Athenean society as its orator in junior exhibition. In his senior year he represented the university in the interstate contest, at Iowa City, Iowa, winning the prize on his oration, "Iago." This literary masterpiece, combined with its faultless elocution and delivery, established his reputation as a writer and orator. He took his diploma with the class of '79 and entered the law school in the fall of the same year, which he attended only one term, completing his law studies in an office. He was admitted to the bar in 1880, and in the fall of the same year was nominated and elected by the republicans district attorney of Dane county. This office he filled with such conspicuous ability that at the following election in 1882 he was re-chosen by his county, notwithstanding formidable opposition and the fact that the average plurality against his ticket was over a thousand. The severest strain upon the powers of a member of the legal profession comes in the trial of cases. Tested thus as a master of the points of his cause, in quick perception, and close discrimination in examination of witnesses and the gift of exposition to court and jury of the law and facts involved, Mr. LaFollette is pre-eminent. In the year 1881 he formed a partnership with Robert G. Siebecker under the firm name of LaFollette & Siebecker. In 1886 Samuel A. Harper became a member of the firm which was then known as LaFollette, Siebecker & Harper. The reputation earned by Mr. LaFollette as a lawyer, together with the popularity and friendships attaching to a winning and genial personality, brought him before the people of the capital district as the most desirable candidate for Congress, and in 1884 he was nominated and elected congressman of the third district. He was the youngest man in the 49th Congress, being but twenty-nine years of age when his term commenced. He was re-elected to his seat in Congress, and again, in 1888, and was unanimously renominated by the republicans of his district in 1890, but in the political revolution ensuing upon the introduction into Wisconsin state politics of compulsory education issues, made

one of the numerous candidates defeated, his district thereupon losing not only a faithful and tireless representative but one of unimpeachable private and public character. Among his speeches in Congress winning him wide commendation are more particularly his discussion on the river and harbor bill of 1885; his reply to Speaker Carlisle's speech on the Mills bill; his defense of the Lodge election bill; his advocacy of the constitutional power of Congress to tax manufactured compounds deleterious to health; and his speech in endorsement of the tariff bill of 1890. As an orator his style is simple and direct, his vocabulary copious and Anglo-Saxon, his argument inductive, and thought clear; backing this is the gift of oratory, a voice musical and magnetic and the taste and discrimination of a trained literary mind.

Upon his retirement from Congress Mr. LaFollette entered upon the practice of his profession as the senior member of the firm of LaFollette, Harper, Roe & Zimmerman. This partnership was dissolved in 1894, since which time he has practiced alone, and by his ability, sterling integrity and honesty has won the confidence and respect of the people and placed himself in the foremost rank of the legal profession in his native state.

Although his large law practice makes him a very busy man, Mr. LaFollette has taken a prominent part in Wisconsin state affairs, and has ever stood as an outspoken and fearless champion of the rights of the people. He is the acknowledged leader of the movement for "pure politics" in Wisconsin, and his masterly addresses on representative government delivered before the faculty and students of the university of Chicago and the university of Michigan, as well as on many home platforms, have made a profound and lasting impression upon the public mind.

In 1880 Mr. LaFollette married Miss Belle Case, of Baraboo, Wisconsin, who had been his classmate in the university, and to whom, upon graduation in 1879, was awarded the Lewis prize for the best commencement oration. In addition to her university training Mrs. LaFollette also took a full course in the Wisconsin university law school, and was the first lady to receive a diploma from that institution. She has proven herself a most worthy and inspiring sharer of the hon-

ors, trials and responsibilities of her husband's professional and political life. The home is brightened by a charming daughter and two little sons.

JOHN W. LEARY.

John William Leary, formerly of the Dane county bar, was born at New Diggings, LaFayette county, Wisconsin, May 25, 1858. Eight years later his parents removed to Blue Mounds, Dane county. His early life was a desperate battle to obtain the support needed for his mother and his younger brothers and sisters and an education for himself. But he fought manfully, and was enabled to attend a high school in 1882-83, and in the fall of 1883 to enter the state normal school at Platteville, from which he was graduated from the advanced course in 1886. He next engaged in teaching, and in 1889 was graduated from the college of law of the state university. He opened an office in Madison, secured clients and a good standing at the bar. In 1890 he was elected district attorney and re-elected in 1892. His service in this position was faithful and satisfactory to the public. A few months before his death, which occurred at Madison February 10, 1897, he formed a partnership with L. B. Murphy. What Mr. Leary became he achieved by hard work; if life and health had been spared his attainments would doubtless have kept progress with his years.

WILLIAM C. LEITSCH.

William C. Leitsch, mayor of Columbus, was born in the city over whose public affairs he now presides, on May 31, 1867. As a boy he was studious and industrious, receiving his education in the business world, in the public schools of his native city, at the Northwestern university, Chicago, and the university of Wisconsin, Madison. For seven years he was a traveling salesman for Chicago establishments, being connected with the well-known houses of G. Becker and Kuh, Nathan & Fischer Co., wholesale clothing establishments. This business experience and practical training are of great assistance to him in the management of his legal affairs.

Mr. Leitsch's parents are Christian and Fredericka Leitsch, both

natives of Germany, who emigrated to America at an early day and settled in Milwaukee. The father was a dealer in grain and other farm products, and in 1865 removed to Columbus with his family. As stated, two years later, was born their son, William C. Although studiously inclined, he was stirring and enterprising and was for some time undecided between a business and a professional career. He finally determined to adopt the latter and prosecuted his studies at the university of Wisconsin and in the office of Burr W. Jones, of Madison. Graduating in the class of 1896, in July of that year he located in Columbus, his old home, where he opened an office alone. Thus he continued, his practice being general but running largely to the settlement of estates, in which specialty his business training makes his services almost invaluable.

Being as he is at the very threshold of his career, it is an unusual compliment to his ability and broad influence that Mr. Leitsch should have been elected mayor of Columbus in the spring of 1898. In politics he is a gold democrat and served as an alternate to the Indianapolis convention. He is chancellor commander in the Knights of Pythias; is affiliated with the Masons and the Modern Woodmen, and is a member of the college fraternities, Sigma Chi, Theta Nu Upsilon and Phi Delta Phi.

Mr. Leitsch is a communicant of the Lutheran church and is unmarried.

HENRY M. LEWIS.

Henry M. Lewis, until recently the senior member of the firm of Lewis, Briggs & Dudgeon, was born in Cornwall, Addison county, Vermont, on September 7, 1830. His mother, Sophia (Russell) Lewis, was a native of Connecticut and a descendant of a younger brother of Lord John Russell, who settled at Salem, Massachusetts, shortly after the landing of the Pilgrim Fathers. His father, Martin, was a quiet Vermont farmer, but like other modest gentlemen of that state only awaited the opportunity to prove his unflinching patriotism. He was one of the guards stationed at Vergennes, Vermont, during the building of Commodore MacDonough's fleet with which he defeated the British

fleet at the battle of Plattsburg, and as a minute man he went unhesitatingly to the battle of Plattsburg, in 1814. * Martin Lewis was born July 9, 1795, during Washington's second administration, and remembered the President's death well. He came to Wisconsin in May, 1846, dying at Sparta in 1892, aged ninety-seven years.

The subject of this sketch received his early education in the district schools of Vermont and on his father's farm, for a boy's experience upon a farm is certainly an education in industry, perseverance and discipline. In 1846 he came with the family to Wisconsin, continuing his education in the public schools, enjoying one term at the university of Wisconsin, alternating his school attendance with teaching. He afterwards studied law in the offices of Vilas & Remmington and Collins & Smith of the city of Madison, and in October, 1853, was admitted to the bar. In 1855 he was admitted to the supreme court of the state and in 1878 to the supreme court of the United States.

With the exception of one year spent in Hudson, Wisconsin, at the outset of his career, Mr. Lewis has always lived and labored in Dane county. While at Hudson he was the junior member of the firm of Semmes, McMillan & Lewis, but when he permanently located in Madison, in 1854, he formed a partnership with Mr. Leopold Lathrop. From 1856 to 1867 he was associated with Mr. B. J. Stevens, and during the succeeding nine years (1867-1876) with different partners, but most of the time with J. C. McKenney and C. K. Tenney. In 1890 he formed a copartnership with Mr. H. E. Briggs, and later Mr. M. S. Dudgeon was admitted to the firm, constituting the firm of Lewis, Briggs & Dudgeon, and which continued until the first day of August, 1898, when Mr. Lewis' acceptance of the position of referee in bankruptcy compelled him to retire from the practice of commercial law which constituted a large part of the firm's business.

During the forty-five years covering his practice in Wisconsin, Mr. Lewis has been retained in many important cases, brought in all the courts, local, state and national. He has the historic honor of having convicted the first man tried for violating the United States banking law. Twice he defended a woman named Mason for murder, upon change of venue from Polk to Dane county, and each time the jury

disagreed. The eventual result was, of course, a dismissal of the prosecution.

In 1872 he tried the case of Burrows, assignee, vs. Nudd et al. in the circuit court of the United States for the northern district of Illinois. It was an action brought by the plaintiff, as assignee in bankruptcy, to recover moneys paid a creditor within four months prior to filing a petition in bankruptcy, the defendants having applied the money to an indebtedness due to them from the bankrupt and claiming to hold it by virtue of a broker's or factor's lien for advances made by them to the bankrupt, the plaintiff claiming such application to be an unlawful preference under the act. He succeeded in obtaining judgment in the circuit court, an appeal was taken to the United States supreme court, where the judgment of the lower court was affirmed. The case involved many questions not before decided by the bankruptcy courts and attracted much attention. The case is reported in volume 91, U. S. supreme court reports.

Mr. Lewis was retained in the case of the state of Wisconsin vs. Morrill, who was arrested for peddling without a state license. Mr. Lewis contended that the statutes of the state relating to hawkers and peddlers was unconstitutional as violating the provisions of the constitution of the United States relating to interstate commerce. His client was convicted in the circuit court, an appeal was taken to the supreme court of the state, which affirmed the judgment of the lower court; the case was then taken to the supreme court of the United States on writ of error, and the latter court reversed the judgment of the Wisconsin court, declaring the state law unconstitutional, fully sustaining the points raised by Mr. Lewis in the case.

Although, as stated, Mr. Lewis' practice has been general in its nature, it is among the intricacies of commercial law that he is perhaps at his best. His firm has been the local representative of the American Surety company and of many of the best collection agencies of the country.

Since the founding of the republican party, Mr. Lewis has been identified with that organization, which has signally honored him. In 1860 he was elected district attorney of Dane county, holding the

office for two years. Commencing with 1862, he served as alderman for seven years, and in March, 1867, he was appointed internal revenue collector for the second (Madison) district of Wisconsin. He occupied this position until June, 1873. President Hayes appointed him United States attorney for the western district of Wisconsin. President Arthur re-appointed him and he continued to perform the duties of the office until he was deposed by President Cleveland, in 1886. From 1887 to 1896 he was a member of the board of education, serving for the last three years as president of that body. The above is a brief enumeration of the offices with which Mr. Lewis has been entrusted. It may be added that upon the death of James C. Hopkins, United States district judge, he was prominently mentioned and urged by his friends for the position. Mr. Lewis has been a director of the Madison free library since its organization in 1873, and first joined the Masonic order in 1866. He disclaims a military record, although previous to the civil war he was a member of the old Governor's Guard.

Married at Madison, on September 1, 1858, to Charlotte E. Clarke, his domestic life has been a succession of substantial pleasures not un-mixed with deep griefs. Three children were born to him before the death of his wife in August, 1884. Mrs. Lewis was especially interested in horticultural matters and was an instructive and graceful writer in her special field. Her ideas were also practical, and at the time of her death she was the secretary of the state horticultural society. She was also an artist of much natural ability. The eldest daughter, Lottie Breese Lewis, who was the wife of William H. Holmes, died July 9, 1883. Jessie Russell Lewis became the wife of Lloyd Skinner, an attorney of Wauwatosa, Wisconsin; she attended the university of Wisconsin until the end of her sophomore year and inherits her mother's artistic abilities and interest in horticultural subjects. Sophie M., the third daughter, is the wife of H. E. Briggs, Mr. Lewis' late partner and, until recently, United States attorney for the western district of Wisconsin; she is a graduate of the university of Wisconsin (class of 1888), has fine literary tastes, and is a graceful and facile writer.

WILLIAM AUGUSTUS PRINGLE MORRIS.

William A. P. Morris was born at Butternuts, now Morris, Otsego county, New York, on May 10, 1832, and was the youngest son of General Jacob Morris, who died in 1844.

Mr. Morris was prepared for college chiefly at the Oxford academy, and was graduated at Hamilton college, Clinton, New York, in 1854. He also studied law while in college, enjoying the instruction of Prof. Theodore W. Dwight, afterward of the Columbia law school, who was then attached to the faculty of Hamilton college. Upon his graduation, Mr. Morris located at Madison, Wisconsin. He was married on January 7, 1856, to Miss Harriett P. Grannis, of Fredonia, New York, and was admitted to the bar in the same year. In 1870 he became a member of the firm of Stevens, Flower & Morris, which afterward became Stevens & Morris and Sloan, Stevens & Morris. From 1889 to 1896 Mr. Morris was the head of the firm of Morris & Morris, and since 1896 has been the head of the firm of Morris & Riley.

JOHN MYERS OLIN.

John M. Olin, one of the most successful members of the Wisconsin bar, was born at Lexington, Ohio, on July 10, 1851. His father, Nathaniel Green Olin, a native of Shaftsbury, Bennington county, Vermont, was a farmer. Phoebe (Roberts) Olin, his mother, was also born in the Green Mountain state, being a native of Manchester. Several years after their marriage they settled upon a farm near Lexington, Ohio, where, as stated above, was born the subject of this sketch.

Mr. Olin is not obliged to trace his ancestry back to remote periods in order to find family representatives of note. Two of his uncles, for example, brothers respectively of his father and mother, were prominent in the history of the eastern states. Daniel Roberts, author of Robert's Digest of Vermont Reports, was a Burlington, Vermont, lawyer of extensive practice and fine attainments. Abraham G. Olin was for three terms a member of Congress from the New York district in which Troy is situated, and at the close of his congressional career was appointed by President Lincoln judge of the supreme court of the

District of Columbia, a position which he filled with honor during the remainder of his life.

In the spring prior to his reaching four years of age, Mr. Olin's father moved from Lexington to a farm near Belleville, Richland county, Ohio, and four years later his mother died. His early life did not materially differ from that of boys similarly situated, being divided between schooling in the winter and farm work during the propitious months. Having finally passed through the district schools and the village school at Belleville, he completed his preparation for a higher education at the academy of Rev. Mr. Daley, in Lexington, and the preparatory department of Oberlin college. He finished the freshman year (ancient classical course) in the latter institution, after which, in the fall of 1869, he entered the sophomore class of Williams college, graduating therefrom in 1873. He had the honor of being appointed one of the orators who spoke upon philosophical themes at commencement and of being chosen by the faculty as a member of the Phi Beta Kappa society, the latter selection being made solely on the ground of scholarship.

After his graduation Mr. Olin commenced teaching at Belleville, but after two terms of such subordinate work he was appointed principal of the Mansfield city schools. At the end of the year he commenced the realization of his ambition, however, by entering the law office of Moses Dickey, now a leading lawyer of Cleveland. During that summer, while conning his law books, he received a letter from Dr. John Bascom, his former professor at Williams college and then president of the university of Wisconsin, offering him the position of instructor of rhetoric and oratory in the latter institution. Under these favorable auspices, on August 28, 1874, he commenced work and remained at the university for four years. During the last three years of his stay he accomplished the work of a full professor, although he did not receive the salary accruing to that position.

In June, 1878, Mr. Olin completed his career as an educator, and resumed his legal studies with such ardor that he was graduated from the law school of the state university during the same month of the succeeding year. On September 1, 1879, he opened a law office on

Main street, where he is still practicing his profession. His first partnership was with Lars J. Grinde, a Norwegian lawyer of good standing, which was continued until Mr. Grinde's death in 1881. From that time until 1890 he practiced alone, when he became associated with H. L. Butler, his present co-worker.

In December, 1885, Mr. Olin was selected as a professor of law in the state university, and continued to lecture in his special field until June, 1887, when, on account of his prohibition proclivities, his services were dispensed with. President Bascom was deposed at the same time for a like reason.

From 1884 to 1886 Mr. Olin took an active part in the prohibition movements and during the year last named was selected as a candidate for governor on that ticket. He championed the cause from a sense of duty and at what he considered a sacrifice, but at the conclusion of the gubernatorial campaign had the satisfaction of receiving the largest prohibition vote ever cast for a candidate of that party in Wisconsin. Since 1886 he has taken no active part in politics, having confined his attention to the practice of the law. It may be added that he does not believe in the methods of the present managers of the party, holding that the organization is diffusing its strength by advocating too many extraneous issues.

In January, 1892, Mr. Olin again accepted the invitation of the president of the university of Wisconsin and the dean of the law school to deliver a course of lectures during the coming winter term, and in June, 1893, was selected by the regents as professor of wills, to succeed Justice J. B. Cassoday, who had resigned that position. To the professorship of wills was added that of torts, which chair Mr. Olin still fills, meeting the law class of the university during one day of each week.

Facts speak for themselves, and the above constitute the record not only of a practical and successful lawyer, but of a deep student and a master of the principles of law. He is also an earnest and a conscientious man, who follows his convictions wherever they lead, even though they conflict with his material interests. As a good citizen he is also identified with many works of public improvement, which do not concern him directly as a member of the profession. Especially has he taken

a deep interest in the development of the park and driveway system of Madison, which eventually will be among the most attractive of the northwest. He is now president of the park commission.

Mr. Olin's wife was formerly Miss Helen M. Remington, daughter of a well known lawyer of Baraboo, Wisconsin. They were married on June 14, 1880.

MYRON H. ORTON.

Myron H. Orton, a brother of Harlow S. and John J. Orton, was born in Madison county, New York, in April, 1810; attended the common schools and worked at various callings until he removed to Ohio; was graduated from Kenyon college; removed to La Porte, Indiana, where he practiced law; was a member of the Indiana legislature. In 1849 came to Wisconsin and settled in Milwaukee, where he practiced law until 1853, when he removed to Madison; continued his practice there until his death in 1860. He is spoken of by those who knew him as a man of great power, fine perceptions, extensive reading and as possessed of a most retentive and reliable memory; a fine speaker, popular politician of the whig and republican parties, and a powerful stump orator.

SPENCER A. PEASE.

Spencer A. Pease, lawyer, physician and journalist, was born in Spafford, Onondaga county, New York, February 23, 1817; received an academic education at Auburn; came to Wisconsin in 1837 and settled at Salem, Kenosha county, where he began the practice of the law. In 1839 he abandoned the law and began the study of medicine, graduating from a medical college. In 1850 he removed to Marquette county and located at Packwaukee; in 1859 he removed to Oxford, the largest settlement then in that county. About this time he acquired an interest in a newspaper and assumed the editorship of it in connection with his medical practice. In 1857 and 1858 he was treasurer of Marquette county. His place of residence was changed in 1862 to Montello, the county seat, and he resided there until his death, continuing the publication of his paper, under the name of The Montello Express. About this time he resumed the practice of the law. In 1865, 1866,

1870 and 1871 he was a member of the assembly. He was three times a delegate to national political conventions and very frequently represented his county in state conventions. His death occurred December 19, 1887.

Mr. Pease was an honorable member of the bar, and had a considerable practice in his own and adjoining counties. "But," it has been said, "the major good from the doctor's legal practice is not found in his court practice. It lies cherished in the hearts of friends who have sat in his office listening to his counsel. Were those walls to speak they could tell of more cases than he ever plead before a judge that have been plead before the conscience of clients. The finest fruits of his legal labor lie in the differences privately adjusted, when enemies renewed their friendships, when sundered families were restored, when peace and harmony resulted from his efforts, rather than life-long antagonisms."

GEORGE B. SMITH.

George B. Smith was born at Parma Corners, Monroe county, New York, May 22, 1832. In 1825 his father removed to Ohio, and resided at Medina most of the time until 1843, when he removed to Southport, Wisconsin, now known as Kenosha. The son had studied law at Medina, Cleveland and Kenosha; in 1843 he was admitted to the bar by Judge Andrew G. Miller, at Racine. In 1844 he became a resident of Madison, and so remained until his death. His educational advantages were limited.

He was the youngest member of the first constitutional convention, in 1846, having been elected at the age of twenty-three. It has been said of that body that it is "generally conceded to have contained the largest amount of talent of any that ever assembled in the state;" and of the subject of this sketch, and the part he took therein, that "young as was Mr. Smith, he was able to sustain himself with great credit in contests with these brilliant minds, and was acknowledged to have been one of the most active members of the convention. He was chairman of the committee on a bill of rights, a member of the committee on the organization and functions of the judiciary, and performed much other labor on committees. He favored liberal exemption laws, and to him,

perhaps more than to any other man, are the people indebted for the liberal laws that now exist on that 'subject.'

In January, 1846, Mr. Smith was appointed district attorney for Dane county, and discharged the duties of that office for six years. In 1853 he was elected attorney general; but declined to be a candidate for re-election at the close of his term. He was mayor of Madison in 1858, 1859, 1860 and 1878; in 1864 and 1869 was a member of the assembly and the leader of the democratic members on all party questions; in the last year he received the votes of his fellow democratic members for United States senator; he was twice defeated as the democratic candidate for Congress—in 1864 and 1872; twice was a candidate for presidential elector—in 1868 and 1872, and was twice a delegate to national conventions of his party. "At St. Louis, in 1876, he made a speech deemed the greatest political effort of his life, which gave him much national reputation, and would doubtless have been followed with distinguished preferment had the candidates there nominated been successful before the people." In that year Mr. Smith was one of the visitors to Louisiana to supervise the canvass of the vote of that state for presidential electors. Mr. Smith died suddenly at Madison, September 18, 1879.

The resolutions of the Dane county bar association, presented by J. C. Gregory, Esq., said, in part, of Mr. Smith, that "politically, he was strongly attached to the democratic party and clung to its fortunes, 'through good and through evil report,' with all the strength of his strong nature. In all contests he was a conspicuous champion and a conspicuous target. . . . He was singularly free from personal ill feeling, and, at the close of a busy and somewhat turbulent life, he died 'with malice toward none, with charity for all;' and the demonstration, from the high and the low, the rich and the poor, from citizens of distant places and from his neighbors in all positions in life, as we bore him to his final resting place in that 'beautiful city of the dead,' attested the personal grief at his death, and that the world, sharing the impulses of his generous nature, remembered nothing but good of a neighbor and a friend. While it can hardly be claimed that he was a close student or possessed of technical learning, all will concede that he was a man

of wide reading and large experience who had mingled much with leading strong men and had participated in great struggles, and had thus acquired much and varied information. He was a man of strong convictions, perhaps of strong prejudices, aggressive in his nature, perhaps sometimes unreasonable; and he advanced his ideas with an assurance born of conviction, and with power and eloquence peculiarly his own. The conflict over, he was gentle and genial as a child, with not a trace of the strife through which he had passed. He was endowed by nature with a physical presence that commanded attention, with a pleasing, sonorous voice, great command of language, an audacious, courageous manner in attack, or with winning ways and words of pathos, or wit and humor, as occasion required; in fact, with every gift of an accomplished orator; and, all in all, he may safely be said to have been one of the most attractive public speakers in the northwest. For more than thirty-five years he was regarded as a leader at the Dane county bar and the equal of the foremost members of the profession in the state."

The resolutions of the bar were presented to the supreme court July 1, 1880, by I. C. Sloan, who made an address; remarks were made by Messrs. J. C. Gregory and A. B. Braley. Chief Justice Ryan responded for the court:

"Sundry accidents have delayed the announcement to this court of the death of George B. Smith, but to-day his memory is as green, and his presence as much missed from amongst us as at first—a higher tribute to his memory than any words can convey. Yet it is fitting that our appreciation of him, and our sense of his loss, should receive some expression in words also. So far as this can be done, it has been so felicitously done by the bar that little is left for the court to add.

"Mr. Smith was a man of high intellect and no common character. His mind partook somewhat of the nature of genius. He was apt to rely more on the inspiration of his own understanding than on the teachings of others, looking, perhaps, more frequently within than without for light on the subjects he considered. His general intelligence was of high order, but he was not distinguished for close logical power. His reading was discursive; he could not properly be called a scholar, even in his profession. His arguments in court were not always re-

markable for their learning: But he discussed no subject, in or out of court, on which his great intelligence did not throw much light. In this respect he strongly resembled Mr. Webster; oftener leading men by persuasion than overcoming them by conviction. This went towards making him what he was—a very effective, popular speaker, a very successful jury lawyer; more so than dry, logical argument would probably have made him. And even in court this tended to aid correct conclusions, though not always in his favor. I can say for myself that I never heard an argument of Mr. Smith without receiving a clearer comprehension of the questions discussed, whether I shared his views or not. He was essentially an orator; always self-possessed, always self-reliant. His mental resources were great, and were always at command. His faith in his own views was generally undoubting, and was a power of no mean order. Altogether, he was an admirable advocate, with not many equals, with few superiors amongst the great advocates of our profession.

“Mr. Smith was a man of singularly genial disposition. His ability had little of the passionate type, easily ruffled and prone to severity. He was essentially sympathetic. And this quality entered into his eloquence, and added largely to its influence. But it was in private that his genial, sympathetic nature was most apparent. It was impossible to know him without recognizing his warm and generous heart. This was the crowning glory of his character. It was so striking that it drew all hearts toward him. We may have among us abler men, perhaps better men, but it would be difficult to find a man so universally beloved as George B. Smith. In the controversies of life he was always earnest, often enthusiastic; but his zeal was so tempered by his kindly nature that it left no abiding rancor behind it. When most men die we are apt to lay forgiveness, as a wreath, upon their coffins. This was not so with Mr. Smith; his kindly nature had left no surviving sting in any heart to be forgiven.

“Mr. Smith died in the full vigor of life; cut off from many years of usefulness and distinction. He has left vacant an honorable and useful place in his profession, from which his contemporaries will always miss him. He has left a void in many hearts which will last till their turn



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Wm C. Spooner

comes to join him in a better world. He has bequeathed to us all a memory not to be forgotten to the end. And we pay this feeble tribute to his memory, feeling how inadequate words are to express our sense of a useful and beautiful life."

JOHN C. SPOONER.*

John Coit Spooner comes of stock which from the earliest colonial times has produced soldiers and statesmen. The Spooner patronymic was prominent in the vicinity of the ancient Roman town of Colchester, England, five centuries ago; originally it came, it is thought, from Friesland, where it was spelled Spuhner, and the family was, of course, an inveterate enemy of the Romans. The name is not recorded in Domesday Book, but is found in the college of Heraldry as emanating from Warwickshire in the sixteenth century, and also from Worcester-shire.

In 1637 Spooners arrived from England and settled in Dartmouth, Massachusetts, spreading to New Bedford, Plymouth, and elsewhere along the coast. The maiden name of the mother of John C. was Coit; she also was descended from the earliest New England settlers—a Welsh family noted for brains, independence and courage.

The Spooners were prominent in early colonial affairs; took part in the French and Indian wars, and Philip, John C.'s great-grandfather, was, with his brother Michael, a minute man at Lexington, and rose to distinction in the war of the revolution. Samuel Coit, the maternal

*This sketch is taken from the *Columbian Biographical Dictionary*, Wisconsin volume, published in 1895. It was written for that work by Frank A. Flower. The paragraph concerning Mr. Spooner's re-election to the senate has been substituted for one concerning a political address made by him, and two other paragraphs which are less applicable now than when written, because of events which have recently occurred, are omitted. It has not been thought advisable to enter into a consideration of Mr. Spooner's career since his re-election to the senate; he has maintained and advanced his reputation as a member of that body and as an orator. As a lawyer, too, he has added to his reputation since 1895, particularly in connection with the reorganization and settlement of the affairs of the Northern Pacific Railroad. His employment by the receivers of that road and the conduct of the business intrusted to him taxed his strength for a considerable period. He met the responsibilities thus cast upon him in such a way as to advance his reputation as a lawyer of great ability, industry and skill.

great-grandfather, was also an officer in the revolution, a colonel, a man of powerful physique, and a fearless and terrific fighter.

Spooners and Coits swarmed into service during the war of 1812, and several were prominent in the Mexican war. But Philip Loring Spooner, father of John C., was a man of added qualities, though different in make-up from the general run of Spooners—unambitious, except as a lawyer, retiring, an enemy of contention, and a promoter of peace. His brother Benjamin, on the other hand, full of the military spirit, was a brilliant soldier in the Mexican war, and recruited the first regiment that was mustered into service from the state of Indiana for the war of the rebellion, in April, 1861. He was one of the gallant and intrepid soldiers of that unparalleled contest; lost an arm at Kenesaw Mountain, and was made United States marshal of the district of Indiana at a time when the duty of ferreting out and suppressing the Knights of the Golden Circle and other secret and destructive enemies of the country was more trying and perilous than leading the charges of actual war. His final commission was the last state paper signed by Lincoln before going to Ford's theatre on the night of the assassination.

John C. was born January 6, 1843, at Lawrenceburg, Indiana, then the prosperous home of a choice circle of citizens, politicians, attorneys and business men, among whom his father, a native of New Bedford, was an honored and respected leader.

The frequency of destructive floods in the Ohio river, ill health and the lack of educational facilities forced the senior Spooner to seek another home for his young family—three sons and one daughter. He had heard of the great natural beauty and healthful climate of Madison, the new capital of Wisconsin, and there, in June, 1859, he established his permanent home and entered upon the practice of his profession, the law. In all the list of nature's noblemen—modest, thoughtful, patriotic, high-minded, generous, pure and true—the character of no man in the northwest shone with a more calm and benign effulgence, or exercised a more elevating and wholesome influence, than that of Philip L. Spooner. He died in 1887, at the age of seventy-seven, known and honored far beyond the usual lot of men who neither seek nor accept

the favors, the offices or the plaudits of the public; he was acknowledged by the courts and the bar as pre-eminently a great jurist—a man of unlimited capacity.

John C. attended, for a time, the city schools of Madison, being a rapid and comprehensive student. One of his tutors relates that no amount of persuasion or prospect of fun ever induced him to go nutting or upon a frolic before he had fully mastered his lessons; but this mastery could be accomplished in an incredibly short space of time.

He entered the university of Wisconsin in 1860, at the age of seventeen, having decided to prepare to join his father in the legal profession. His career in that institution was brilliant; in the departments of oratory and debate, civil government, international and constitutional law, history and literature he was an acknowledged leader of his class.

On April 22, 1864, the governors of Ohio, Indiana, Illinois, Iowa and Wisconsin tendered eighty-five thousand troops for one hundred days, to be paid and equipped by the government the same as other volunteers, but to be charged to no draft and to receive no bounties. This brave offer, made in the face of the fact that the states had just completed their quotas under the call for seven hundred thousand volunteers, was to be filled in twenty days from acceptance. The offer was accepted and young Spooner, in order to assist in making Wisconsin's tender good within the brief time allotted, secured a recruiting commission, and borrowing three hundred dollars from a local banker, Mr. Hill, raised a company. Then, although entitled to a commissioned office, he proposed that his entire class enlist as privates, himself included, and choose the officers. He demanded, however, that the class should be graduated the same as though all had remained to the end of the term.

To this, of course, as a reward of patriotism, the authorities assented, and on May 13, 1864, he enlisted as a private in company D, fortieth regiment. This regiment was largely composed of professors and students from Wisconsin colleges and seminaries—the flower of the state. Soon after the end of the one-hundred-day term he re-enlisted for “three years or the war,” as captain of company A, fiftieth regiment, and was detailed first to Fort Leavenworth, and then to the northwest

to watch for and quell Indian outbreaks—the most disagreeable and trying service a soldier could be called on to perform. For some months he was stationed with his regiment at Fort Rice, Dakota territory, in the midst of the Sioux Indians. He was brevetted major March 13, 1865, and mustered out June 12, 1866.

On returning from the war, Mr. Spooner began studying law with his father, and was soon after (January, 1867) appointed private and military secretary to Governor Lucius Fairchild, with the rank of colonel, and a salary of two thousand dollars per annum. He was admitted to the bar of Dane county by Circuit Judge H. S. Orton in 1868, though still serving as private secretary.

In 1868 he was appointed quartermaster general of the state, serving two years, with the rank of brigadier general. In 1869-70 he was assistant attorney general under Charles R. Gill and Stephen S. Barlow.

May 30, 1868, was memorable in the city of Madison, and also in the career of Mr. Spooner, as marking the first formal decoration day services in the city, and, it is claimed, in the entire state. From sunrise to sunset cannon boomed in the capital park; General J. M. Rusk was marshal of the day; a large number of veterans from the surrounding country (carrying forty of the tattered colors brought back from the war) and a long line of children from the soldiers' orphans' home marched in the big procession.

The official program announced an oration by "General" John C. Spooner, that being the title of his military office. It was his first appearance as a public speaker on an important occasion, and practically the entire city came out to hear and see him. The address, though brief, was patriotic and inspiring, and eloquently delivered. The newspapers praised it, and accorded the unusual compliment of a place in full in their columns.

If Mr. Spooner had not later achieved so much greater fame that address of 1868, when he was but a boy of twenty-five, would be considered, as, in fact, it is, a remarkable effort. The opening sentence was: "In this land of ours, God has crowded the glories of a century into the achievements of a decade."

In the several responsible and honorable positions so swiftly

crowded upon him Mr. Spooner acquitted himself with conspicuous energy and ability. But his father, one of the seers and prophets of the profession, feared that the peculiar influence of public service might draw his son away from the law and into politics, and advised him at once to cut loose from office and devote himself exclusively to his profession.

Therefore, in 1870, at the age of twenty-seven, he removed to Hudson, Wisconsin, and entered into partnership with H. C. Baker. There he sprang quickly into prominence as a citizen and lawyer, enjoying from the first a large and desirable general practice, in which for eleven years he argued and tried a great number of causes in the courts of many counties of that region and in the supreme court.

To Mr. Spooner the legal business of the West Wisconsin Railway company was intrusted; also that of the North Wisconsin. His energy and decisiveness, together with great natural legal ability and aptitude for railroad litigation, very soon led to his appointment as general counsel for those roads, which position he held until the lines were merged into the Chicago, St. Paul, Minneapolis & Omaha, of which he was elected and continued general counsel until May 5, 1884, on which day he resigned because the Vanderbilts, having secured control of the road, required him to bring what he told them was an unjust and unfounded suit for \$1,200,000 against Messrs. Flower, Dows and Porter, stockholders in the corporation, and his clients and friends.

The new directorate, in session in New York at the time, used every means to induce him to remain as general counsel, offering him power to fix his own salary and the privilege of remaining out of the case which he was refusing to bring. He not only would not entertain their propositions, but told the directors that he should defend Porter, Dows and Flower. His resignation was, therefore, accepted and the suit, in his hands for the defense, was entirely defeated.

This action was new proof of the high notions Mr. Spooner entertained of professional honor and personal friendship, for he left the "Omaha" with feelings of keenest regret. He had helped to create and build up the great corporation; he knew its history, workings and employes; he liked that branch of his profession; his associates were con-

genial and he could have had any salary he might have asked. Nevertheless, he did not hesitate a moment between these considerations and what he considered professional honor and personal friendship. And thus, and not to become a candidate for the United States senate, as has been alleged, he left the "Omaha."

From 1881 to May 5, 1884, Mr. Spooner devoted himself entirely to the business of the railroad company which, by consolidation, had come to control about eighteen hundred miles of road, extending through Wisconsin, Minnesota and Iowa, into Nebraska and Dakota. He had sole charge of all their legal business, which was extensive and important.

An old citizen of Hudson said during Mr. Spooner's campaign for the governorship: "I never knew a harder student and worker than John was, from 1872 to 1884. It was a usual thing to see the light burning in his office until way into the night. His activity and energy in the preparation and trial of causes were phenomenal and he was a quick worker then, as he is now. He seemed to have no ambition but in the law."

Immediately after settling at Hudson, Mr. Spooner became connected with a case in which he made a national reputation among the railroad managers, judges and attorneys. It may be found in 21 Wallace as *Schulenberg vs. Harriman*. General Harriman, as state timber agent, had seized Schulenberg's logs, cut on lands granted by Congress in trust to Wisconsin for what is now the Chicago, St. Paul, Minneapolis & Omaha railway. The entire line of road was not built within the limit of time fixed by the grant, and Schulenberg's attorneys claimed that the grant had therefore been forfeited and that neither the land nor the logs cut therefrom belonged to or were under the control of the state.

Mr. Spooner contended in the United States circuit court, before Justice Miller and Judge Dillon, that the failure of the grantee to construct the road within the time fixed by the grant could have no effect on the grant itself, but that forfeiture or reversion could only work through judicial proceedings had for that purpose or by means of an

act of Congress forfeiting it in exact terms, or making other appropriation of it.

The lower courts held with Mr. Spooner. The case, however, was appealed to the United States supreme court, where he participated in the oral argument and filed a brief, and where, Justice Field delivering the unanimous decision of the bench, the judgment of circuit judges was fully sustained, thus establishing for the first time in this country the principle or theory that the failure of any railway corporation to comply with the conditions subsequent of a land grant which it may be attempting to earn, does not operate as a reversion or forfeiture of the grant; but that such forfeiture can come only through a specific act of the authority first making the concession, viz., Congress.

To the great empire of the northwest this suit was most important in its results. But few land grant railways were or could be completed within the periods named in the grants. What are now trunk lines had been partially built but were dead, or in doubt or uncertainty, and their promoters discouraged and frequently bankrupt because the generally-accepted theory, and the rule of the departments then was that a line not completed within the time named in the act making the grant had forfeited the grant itself—or, at least, the unpatented portion of it.

This decision, therefore, put new life and progress into the great northwest. Projected lines were resumed and completed; magnificent new territory was opened to settlement and industrial development; new cities and towns sprang into life and activity—in short, the wilderness was made to blossom as the rose; civilization was carried forward in giant strides and the entire nation was strengthened and enriched.

He was not thirty years of age when he made the defense in this famous cause; and the victory was all the greater because, shortly before, Attorney General Williams had written an official opinion holding that non-performance of the terms of a land grant operated as a reversion of the grant, and the departments and the railroads were acting on that theory. He was employed by Governor Washburn to appear before the supreme court in the cause, to receive one thousand dollars if he won, but, if he failed, nothing—so little faith had leading attorneys and officials in the success of his theory.

In the fall of 1871, after having resided at Hudson only a little more than a year, Mr. Spooner was nominated for the legislature and, of course, elected, taking his seat the following January. He asked to be placed on two committees only—education and railroads. He took a very prominent part in legislation, especially in passing laws to straighten out muddles in taxation, court records and land titles. But his most conspicuous service was in behalf of the state university, drafting, presenting and urging to final passage a bill to levy a general state tax to be added annually forever to the university fund income. This established the precedent, since followed, of a direct tax in support of the university, and was the foundation and beginning of the splendid career of prosperity, growth and strength of that great institution, following upon a period of weakness and inanition.

As a partial recognition of this everlasting service Mr. Spooner was made a regent of the university in 1882, serving until February, 1884, enthusiastically and effectively. In this connection it is proper to record, also, that in 1869 the degrees of Ph. D. and A. M., and in 1894 the degree of LL. D., were conferred upon him by his alma mater.

This single term in the legislature ended Mr. Spooner's connection with politics—except to take the stump when called upon (which generally was in every campaign), and to attend conventions when any of his friends were candidates for office—until his election to the senate in January, 1885. He devoted himself with ceaseless intensity to his profession, carrying on a very large general practice in addition to his labors as general counsel for the railway company, winning many important victories, and accumulating a comfortable competence and building an ample and attractive home.

The Blaine-Cleveland contest, following his resignation from all connection with the "Omaha," is memorable as one of heat and ability. Mr. Spooner, opening the campaign in Milwaukee, canvassed the entire state, adding many laurels to his already well-established reputation for brilliant and effective oratory. His speech at the Logan reception, at Madison, was particularly admired, and made of the great Illinois soldier a warm and substantial friend. His tour was a perpetual ovation, but the speech of all speeches, and the ovation of all ovations, was

in the Robbins circus tent at Janesville, making of the old, wealthy and populous counties of Rock and Walworth the most devoted and aggressive friends and followers and the corner-stone of his future political successes.

But in November Blaine was defeated, and the republican party generally was thrown into more or less discouragement. A republican majority in the Wisconsin legislature had been elected, however, and a successor to Angus Cameron in the United States senate was to be chosen. There had been several distinguished candidates before the people; among them William T. Price and General Lucius Fairchild. They were men of high standing and conspicuous services, but they were old in the public eye and their candidacy, it was alleged, could arouse no new element of strength. The more progressive members felt that the waning fortunes of the party demanded a return to the aggressive methods and militant spirit of 1854, with younger, fresher leaders, who must also be men of the highest character and ability.

It was urged that John C. Spooner admirably met the required qualifications. After considerable consultation, brushing away his own objections that he was "too young for a 'grave and reverend senator,' " he consented to be a candidate. Then, before any public announcement had been made, a complete plan of campaign was perfected by his friends. From all co-workers he exacted a promise that there should be no unkind or disrespectful word in speech or newspaper article uttered against General Fairchild or the other candidates. The claim put forth was merely that the ablest and bravest of the younger generation must unite in an heroic effort, or the republican party would lose power that could not be regained perhaps for generations, and that their choice was John C. Spooner.

Newspapers throughout the state declared enthusiastically for him on the ground that the state should be represented in the senate by an aggressive, able, eloquent and resourceful debater who could cope with the democratic leaders and successfully defend on the floor of the senate the principles of the republican party.

The man and the argument so well fitted the occasion and took so well with the people that the favoring tide set in full and strong, and,

especially after the defeat of Blaine in November, continued to increase in force until January 28, 1885, when Mr. Spooner was elected, receiving seventy-six republican votes to forty-eight democratic votes for General E. S. Bragg. He had forty-nine votes on the first ballot in the republican caucus, which insured his election. His speech, on being brought before the caucus, was more than anything else a tribute to the worth and services of his opponents, and especially of General Fairchild, and made the support of those opponents thereafter hearty and practically unanimous. In closing, he declared: "If elected, I shall devote all the strength and vigor which God has given me to the people of Wisconsin and our common country." And thus he was chosen although he had spent but eighteen hours with the legislature in Madison during the senatorial campaign—to make an address of thanks to the caucus for the nomination, and personally to greet the members, many of whom he there met for the first time. His election left absolutely no sores in his party.

The senate, of which he now became a member, was one not only of ability, but appreciative of ability. His reputation as an orator and jurist of wide attainments had preceded him, and the older senators were prepared at once to accord to him the place usually attained, if ever, only after several years of hard work and honorable service.

He was placed upon the committees on privileges and elections, District of Columbia, public buildings and grounds, epidemic diseases, and on claims. Of the last, with its vast labors and responsibilities and investigations, extending back through the war of the rebellion, the Mexican and Florida wars, the war of 1812, and the revolution, to the foundation of the government, he was made chairman; and in that position, it is said, by indefatigable labors, he saved the government more than thirty million dollars.

Mr. Spooner's first speech to the senate was on the death of Vice-President Hendricks, a life-long friend of his father's. It was, both in style and matter, an innovation—a beautiful tribute to the dead Indian's personal qualities, delivered with a tenderness seldom heard in the senate chamber, combined with a bold analysis of political beliefs, made without a tinge of bias or partisanship. The speech com-

manded the widest attention, and was quite generally republished, establishing in new places, and especially in the senate, the speaker's reputation for audacity and originality of conception, for versatility of oratory, and for clearness, incisiveness, and elegance of diction.

Among his really great speeches, in respect of judicial learning, was one in defense of the senate on the "Relations between the senate and the executive departments," brought out by the attorney general's refusal to comply with a request to send public papers and documents from his office. It was from the standpoint of a lawyer, covering the entire subject from the foundation of the government, and made an indelible impression. Another, on the provisions of the inter-state commerce bill generally, but particularly favoring a clause to enable railways to make rates on goods for export in conjunction with ocean steamship lines independent of domestic rates, attracted the attention and favor everywhere of railways, shippers and manufacturers. His complete mastery of railway laws and railway business by actual experience made his views almost an authority in the senate and aided materially in eliminating crudities and impracticabilities from legislation affecting transportation.

A speech delivered on April 16, 1888, on the admission of South Dakota, gave to Mr. Spooner greater satisfaction than any other effort of his career in the senate. He had, as a soldier, been stationed in and marched over Dakota territory when its only inhabitants north of Yankton were buffaloes and Indians. Many early friends and clients had settled on those vast prairies, and he had, with absorbing interest, watched the labor developing that rich section into a powerful, energetic and intelligent community. His heart was in the address, and he pleaded with singular power and eloquence for the admission of the bright and growing state.

It was during this debate that Senator Butler objected to Dakota "trying to break into the Union," whereupon Mr. Spooner quickly retorted that Dakota certainly had as much inherent right to break in as South Carolina (Butler's state) had to try to "break out" of the Union. That settled interruptions from that quarter.

The only time in the senate that Mr. Spooner felt called upon to make what might be termed a political address was after Joseph Hoffman had been shot and killed at Brenham, for testifying before the senate committee on privileges and elections during the investigation into the political outrages in Washington county, Texas. While temperate in form and free from mere denunciation, it was nevertheless a terrible arraignment of those who were responsible for, as well as those who, on the floor of the senate, justified and defended that frightful crime, and created a great sensation. It made a lasting impression and so revealed Mr. Spooner to the senators from the south that he was never again stirred up on that question.

One of his most elaborate and carefully prepared addresses was delivered against the Blair educational bill—a measure for which he voted on first entering the senate, but which, on fuller investigation, he was compelled to oppose. Other speeches had been upon legal, constitutional or national questions, but this dealt purely with social economy, domestic statecraft, and required a careful and comprehensive understanding of the financial, educational and moral conditions in every state of the union, as well as a dispassionate analysis and presentation of them. The bill, which proposed to raise about eighty million dollars, mostly in the north, and expend it mostly in the south for educational purposes during a period of eight years, had been before Congress several years, and would probably have become a law if it had not been for the speech in question. His picture of the post-rebellion development and progress of the southern states was the most comprehensive and appreciative ever heard in the chamber, and his conception of the evils that might grow out of such extreme paternalism carried conviction to a majority of the senate.

On September 8, 1890, Mr. Spooner spoke in favor of placing sugar on the free list because it was a necessity of life down to the poorest cabin, and because the domestic product was less than one-eighth of the amount consumed. He also favored, by a speech full of patriotism, legal argument and eloquence, reciprocity as to articles wanted but not made or produced in the United States, when made or produced and for

sale in another country, and vice versa, and also advocated a tariff on iron, tin, wool and lumber.

When the reciprocity clauses of the McKinley bill, which he had thus advocated, were sustained by the supreme court of the United States, the New York Tribune said that the counsel for the government added nothing in argument, law or illustration to what Mr. Spooner brought forward in his advocacy of the measure in the senate.

A brief speech that sent a thrill through the north was delivered by Mr. Spooner on January 28, 1890, on what was technically known as the Fanz case. Secretary of War Redfield Proctor had not ordered the flag lowered to half-mast on the death of Jefferson Davis, who served as secretary of war before the rebellion, and the "best citizens" of Aberdeen, Mississippi, hanged him in a wretched effigy, across which was this placard: "Red. Proctor, traitor."

J. E. Fanz, a native of Indiana, and a mechanic aged twenty-one, while assisting to raise the effigy, accidentally dropped the rope. For this he was brutally and terribly beaten, receiving two hundred lashes, and a resolution was presented in the senate for an investigation into the matter. Mr. Spooner's speech on that resolution was widely published, creating a sensation north as well as south.

To the masses of his party and to all fair-minded men, one of his last was one of his greatest efforts in the senate, in the same general direction—the formal speech on the federal elections bill, made December 20, 1890, in which, by a really marvelous digest of the political crimes committed in the south since the rebellion, he found substantial reasons for enacting what was falsely called the "force bill," proving that "wrongs do not leave off where they begin, but still beget new mischiefs in their course." During the first hour of its delivery there were numerous interruptions by democrats from the south for the purpose of breaking the force of the speech, but the fire they drew was so disastrous and increased so steadily in destructiveness as the speaker got deeper into his subject, that the entire skirmish line was hastily withdrawn, leaving Mr. Spooner (almost unprecedented in a debate of this character) in undisturbed possession of the floor, before a great audience in the galleries and a full senate, who listened to one of the

most profound orations ever delivered in that chamber on that or a kindred subject.

Mr. Spooner made many other addresses and running-debate speeches in the senate—on irrigation, the effect of free trade upon the industries of Great Britain, mortgage indebtedness, admission of the Montana senators (successfully leading the fight in their behalf), District of Columbia affairs, the eight-hour law (favoring it), the Columbian exposition, etc., etc.—taking rank for clearness, force, fearlessness, fairness and effectiveness second to none. He never read a speech in the senate; all were extemporaneous.

Personally, Mr. Spooner was very popular in the senate, both sides of the chamber contributing equally to cordial associations and sincere friendships.

When he retired from that body, the members of the committee on claims tendered to him one of the finest banquets ever given in Washington, attended by the President and members of his cabinet, the Vice-president and many other distinguished persons. The speeches in honor of the guest, especially those by Messrs. Evarts, Hoar and Hale and the leading democrats, were of the most complimentary character, lauding him as a senator, lawyer, and man of great ability, fairness and integrity. It was a demonstration of honor, friendship and respect accorded under similar circumstances to no other senator.

He nominated General Rusk at Chicago in 1888; seconded the nomination of Harrison at Minneapolis, and was urgently requested by the President in person to take charge of the national campaign of 1892, but declined.

Returning to Wisconsin at the end of his term in the senate, he soon after moved from Hudson back to Madison, in order to be near his younger sons while they passed through the Wisconsin university, and, forming the partnership of Spooner, Sanborn & Kerr, resumed at once the practice of his profession, important cases rolling in as though there had been no interregnum.

Burdened as he was by work, he still found or made time to serve the interests of his party and the people. In this direction in what are known as the gerrymander cases his labor and genius added materially

to the cause of public justice and gained great advantages for his party, besides recording a new and important chapter in the history of jurisprudence.

The Wisconsin legislature of 1890, being democratic, apportioned the state into new senate and assembly districts. By the republicans it was alleged that this apportionment was unequal and unjust as well as void, in that it did not follow the unit of population fixed as the basis on which it was made.

Suits to have the act of apportionment set aside were begun. The form of the suit was decided, the papers in the first case were drawn, and the great argument as to jurisdiction was made by Mr. Spooner, as was also the argument on the constitutionality of the act. The suits involved an entirely new proposition, to entertain which was held by some to be a dangerous invasion by the courts of the rights and prerogatives of the legislature, a co-ordinate branch of government.

However, the supreme court unanimously assumed original jurisdiction on the relation of a citizen, heard the case on its merits, and held the act unconstitutional and invalid on the grounds set forth by Mr. Spooner. The learned justices regarded the cause as the most important that had occupied their attention, and three of them filed separate opinions, as if to so magnify and pile up the judgment of the court as to forever prevent the making of another gerrymander, which they held to be "an invasion of the rights and liberties of the people."

The apportionment having been set aside, Governor Peck called a special session of the legislature to enact another, which was supposed to have been accomplished in July, 1892. But as this second act had been made in disregard and defiance of the unanimous opinion of the supreme court, a new suit was brought (C. F. Lamb, relator) asking the court to grant a writ enjoining forever the secretary of state from issuing under it the notices of election. In this case the attorney general (O'Connor) refused to appear or give his consent to the suit. The court gave him twenty days in which to appear. At the end of that time, the attorney general still refusing to take part or give his official assent, the court again assumed jurisdiction for the purpose of hearing the case on its merits. The questions were, whether the relator, Lamb,

had a right to bring the suit, the attorney general having refused to assent thereto, and whether the law in question was unconstitutional.

On these two vital points Mr. Spooner made a great argument, closing the case for the relators, although in the midst of an exciting campaign.

Again the court adopted his view and held that it had original jurisdiction, and again set aside the act of apportionment as unconstitutional and void, forcing Governor Peck to call a second special session of the legislature to divide the state for the third time into senate and assembly districts. In one case General E. S. Bragg, and in the other Senator W. F. Vilas, were opposing counsel.

Undoubtedly the greatest specific service any Wisconsin republican ever rendered to his party was that in these gerrymander contests; but they were hardly cleared from the board before new sacrifices came on. In 1888 W. D. Hoard was elected governor. During his incumbency there came into politics a new issue that alienated a great number of republican voters, so that when he came before the people in 1890 for re-election he was defeated by about 30,000, whereas he had been chosen two years before by a majority of 20,273. In his defeat he carried the legislature down with him, and a democrat, William F. Vilas, was elected to succeed Mr. Spooner in the United States senate, in January, 1891.

This was the first time since the formation of the republican party that a democrat had represented the state in the United States senate, and the republican leaders were disheartened. When, therefore, it again came time to present a candidate for governor, although all the delegates chosen to the convention were pledged to other candidates, it was decided that Mr. Spooner could poll more votes than any other man in the party, and that he must run. He protested that the office was not one to his liking; that as a matter of choice he would not accept if the position could be tendered to him without an election, and he hoped the nomination would be tendered to one of the several gentlemen who really wanted and were seeking it. Objections and protests were alike unheeded and he was unanimously nominated, no other

votes being cast in the convention. Being thus commanded by the party which had honored him, he was forced to accept.

Knowing the improbability of overturning a majority of thirty thousand at a single election, he nevertheless entered into the unequal contest with vigor, and carried on the most brilliant and masterly campaign in the history of the state. Enthusiastic crowds flocked to hear him everywhere. He traveled literally night and day by railway, stage and private conveyance; delivered frequently two speeches a day—one in the afternoon at one place, and another elsewhere in the evening.

He was, as he expected to be, defeated, but he ran ahead of the party ticket and brought Governor Peck's majority of thirty thousand in 1890 down to a plurality of seven thousand seven hundred in 1892. The campaign, however, was such a serious strain upon him that for more than a year he did not recover from its effects.

It was but just that the republican party, on regaining its ascendancy in the legislature, and on the expiration of Senator Vilas' term as United States senator, should return Mr. Spooner to that office. This was done in January, 1897, he having received the vote of every member of the republican legislative caucus. He is a member of the committees on relations with Canada, judiciary, privileges and elections, and rules.

In addition to the matters more especially referred to, he has made numerous speeches and addresses and taken part on the stump in every campaign of his party for a quarter of a century, frequently lending his services also to other states. He made the oration dedicating the Wisconsin monument at Gettysburg, and also that at Eau Claire, Menomonie, and elsewhere, as well as at Madison, in 1868 and 1894; memorial addresses on Messrs. Hendricks, Rankin, Price and Logan, and many tributes of respect to deceased members of the bar. He formally opened the republican campaign of 1894 by a speech covering the entire range of topics, national and state, at one of the largest meetings ever held in Milwaukee, and followed it with speeches elsewhere in the state, being received with greater enthusiasm and approbation than ever, thus proving the tenacity of his hold upon the people.

It has always been the fact that in the numberless speeches, debates and addresses of an intensely busy career of twenty-five years, no matter

what the provocation, he never made reckless or unfounded charges or insinuations, or descended to personal attacks or retorts intended to wound the heart or carry sorrow to the home of any opponent. It cannot be said of him that he has ever sought to build himself up by pulling any other man down.

Besides great capacity for analysis, reason and logic; incisive clearness and strength of statement; wonderful versatility of diction; resources and courage, genuine earnestness of manner (making every cause his own) and impulsive tenderness of sentiment, all combining into an irresistible power to convince, there is, as there has been for generations in the family, a touch of the tragic and heroic in Mr. Spooner's make-up. It was plainly noticeable in his school and college days; in the manner of his enlistment; in the speech at the death of Mr. Hendricks; in his conduct while the federal elections bill and Texas outrages investigation were pending; in the gerrymander suits—in fact, in everywhere adopting or defending what he believed to be the right and for the interests of the people, regardless of political or personal consequences.

This family trait of mingled patriotism and heroism, as conspicuous in John C. Spooner as in any of the Spooners, was fairly illustrated by General Ben. Spooner of Indiana, who, though dying fifteen years after the rebellion, in the intensity of his devotion to his country, requested to be buried in a shroud of the stars and stripes. Also by Lysander Spooner of Massachusetts, who, believing the government had no constitutional right to monopolize mail-carrying on the basis then in vogue (charging twelve and one-half cents for a letter from Boston to New York and twenty-five cents to Washington), inaugurated private post-routes which transported mail from Boston to New York and elsewhere at the uniform charge of five cents, and made money.

The federal authorities attacked him and his agents, arresting and jailing them everywhere possible; but he, nevertheless, continued until there was a public sentiment which compelled Congress to make a substantial reduction in the rates of postage and to adopt a uniform charge without regard to distance—a gallant but unsupported fight, whose endless benefits can neither be stated nor fully realized—a real Spoon-

erism and just what John C. did in the gerrymander cases and other matters.

Another family trait, quite conspicuous in his father, is utter obliviousness to personal fame or glory. Both always declined to give facts necessary for biographical or personal matter for publication, and John C., refusing to furnish information for this sketch, forced its preparation without his aid or suggestion.

In his profession, an indefatigable worker; in habits, modest and absolutely temperate and clean; in politics, brave and liberal; in statesmanship, capable, patriotic, fearless and prophetic; to the public and to adversaries, courteous, dignified, kindly and respectful; in personal intercourse, frank and attractive, and to poor clients not only generous but a guardian without money and without price, he is well entitled to all honors that have been showered upon him.

But it is not easy to do justice to Mr. Spooner's attributes in a few brief sentences. While his lofty conception of the ethics and honor of his profession and his uniform consideration and courtesy in debate, court arguments, and public speaking have made him an acknowledged model, after all only those who have seen him in the sacred precincts of his home—at his own ample and hospitable fireside—really know the man. There, as youthful in heart and spirits as in appearance, he is a boy with his boys, a lover with his wife and a free and happy entertainer with his friends.

PHILIP L. SPOONER.

Philip Loring Spooner, formerly of the Dane county bar, was born at New Bedford, Massachusetts, January 27, 1811; notwithstanding circumstances prevented his acquiring a collegiate education he became learned in all that was essential to the highest success in his profession. About 1826 his father's family removed to Mansfield, Ohio, and three years later to Lawrenceburg, Indiana. About this time the aid of the son was needed by the father, and was given with the utmost energy and patience. In Lawrenceburg, Mr. Spooner completed his preparation for admission to the bar, which was begun by study in an office in Cincinnati. About two years after his admission he formed a partnership

with his Lawrenceburg tutor, George H. Dunn; that relation continued nearly twenty years. In June, 1859, Mr. Spooner became a resident of Madison, Wisconsin, where he resided until his death, November 2, 1887.

Soon after coming to Madison Mr. Spooner was appointed supreme court reporter, a position he held during 1860, 1861 and 1862; he reported the cases in volumes 12, 13, 14 and 15 supreme court reports. A few years after the organization of the college of law of the state university he became one of its professors and continued as such until about 1881, when failing strength compelled him to relinquish regular work in that position, though he delivered occasional lectures until he had passed his seventy-fifth year. For most of the time from 1868 until 1874 he was assistant attorney general.

The memorial of the bar of Dane county, presented to the supreme court by J. H. Carpenter, expressed the members' sense of the great loss the profession had sustained in the death of Mr. Spooner and their high appreciation of his learning, skill and ability as a lawyer, and of his character as a citizen, neighbor and friend; he was true to every principle of noble manhood, just and honorable in all his dealings, considerate and affable in his intercourse with all, an invaluable and faithful friend, a devoted husband and father; he exhibited towards his fellow-men, in a marked degree, sincere respect for the rights and interests of all. In presenting the memorial Judge J. H. Carpenter said, in part: "The character of Judge Spooner was above reproach, and those who knew him never suspected him of wrong doing. As a lawyer he was in some respects without a peer. He rarely addressed juries. He did not cultivate the ornate, but was clear and concise in speech. He never sought to convince by declamation or high sounding phrases. The legal points in a cause as presented by the facts never escaped his attention. In his professional field, the law, he had few, if any, equals. Many may have had, perhaps, a more extended and larger practice. He was so constituted that he could examine with patience all the points for and against his client in a cause, and guard and protect a client's interest as few lawyers are able to do. Perhaps he did not see the points in a cause quicker than many others, but his patience and industry enabled him to

see more clearly the issues than other men, and judge more accurately of the chances of success. In his practice he was rarely taken by surprise. When a cause of his was called for trial he was ready, and seemed so familiar with it that he almost knew what the result was to be. His industry was not only manifested in finding the authorities to sustain his positions, but he studied them thoroughly and formulated in his mind the best method of presenting them. He could state a legal proposition with remarkable accuracy and precision, and could fortify his propositions with logic as nearly inexorable as human intellect is permitted to make it. The extent of his legal practice and his success in it is attested by the frequent appearance of his name in the Ohio, Indiana, Wisconsin, and the federal reports."

A eulogistic address was made by F. J. Lamb, and remarks were made by I. C. Sloan; Chief Justice Cole responded for the court:

"The members of this court sincerely unite in the expression of regret and sorrow at the death of P. L. Spooner, which are contained in the memorial of the Dane county bar. This tribute of respect is justly due to his memory who was for so many years one of their most distinguished and worthy members.

"At one time Mr. Spooner held a close official relation to this court, being its authorized reporter for some years. How well, how acceptably he performed his duty in that capacity is known to all who have had occasion to consult the volumes he reported. It is but just and the strict truth to say that he was an excellent reporter, and his volumes bear ample testimony of his industry, accuracy and correct understanding of what is essential to make a valuable law report. His statement of the facts upon which the decision turns is always ample, clear and precise, excluding all irrelevant matter. It is unnecessary to add that he had a just comprehension of the reasons and principles upon which the decision rested. He voluntarily resigned the office of reporter when it was the general desire that he should continue in the office.

"I became acquainted with Mr. Spooner in 1859, soon after he came to Madison to reside. In that year I had the satisfaction and pleasure of listening to several of his arguments made before this tribunal. I distinctly remember the impression which his first argument made upon

my mind. The case involved some question of commercial law, and it was at once apparent that Mr. Spooner was quite at home in that branch of jurisprudence which affected his case. Indeed, he might be said to be master of every branch of law. He certainly was distinguished for great professional learning and attainments. In arguing cases his manner was calm, deliberate and unimpassioned. His language was clear, plain and forcible. He never indulged in rhetoric or made any appeal to the emotions. He had great power of analysis, and possessed the rare faculty of being able to grasp a legal or abstract proposition, and of holding it before the mind, so to speak, as one might a visible object before the eye, contemplating it from all points of view, eliminating whatever was immaterial or nonessential, and finally extracting the real principle—the heart and core of the matter—and applying it to the facts of his case. He was a consummate master of pure reasoning; his propositions were bound together like chain armor, by close, severe logic, and one who would overthrow his propositions must have strength to crush the entire argument, for the propositions could not be answered in detail. I know of no reported argument which does him justice or gives an adequate idea of his extraordinary reasoning powers. He was engaged in many important causes before this court, and his arguments were always remarkable for clearness and acuteness, and for that peculiar faculty which we have alluded to, of deducing the controlling principle of law from apparently conflicting authorities and applying it to his case. His quiet, calm manner and courteous address never failed to command attention or produce a deep impression upon a court.

“This is not the occasion to speak of him in any other relation than as a lawyer, but I cannot withhold a remark upon his pure and blameless life; his broad, active sympathies for struggling merit and every good cause; his constancy to his friends, his fidelity to duty, and his prompt and cheerful recognition and response to all the claims of civil and social life. He was a true patriot and a true man in all relations. He came to his grave in a full age, like as a shock of corn cometh in in his season, leaving a name without a stain, and an example of professional conduct worthy of all imitation by every lawyer, young or old.”

EMMONS TAYLOR.

In the death of Emmons Taylor, on the 13th of April, 1874, passed away not only one of the most eminent citizens of Portage City but an eloquent, faithful lawyer, and a modest man of true metal, who was an honor to the profession of the northwest and the country. Although the members of the Columbia county bar had no organized association a committee was appointed to prepare resolutions and receive tributes in memory of the deceased. From all portions of the state came lawyers and judges of eminence to testify to his high character, such as could not be present in person sending letters expressive of their sentiments of admiration, esteem or love. Of those who had even more than a state reputation may be mentioned Luther S. Dixon, Harlow S. Orton, Gerry W. Hazelton, G. C. Prentiss, S. U. Pinney, Alva Stewart and J. P. C. Cottrill. Perhaps it is not too much to say that the first named is as strong a character as any in the list, and from his letter, addressed to the chairman, are taken the following extracts:

“He was an able, earnest, fearless, and often eloquent, advocate of the cause he espoused, always choosing his positions with caution and sound judgment, and ever guarding and defending them with unflinching zeal and energy. He was quick to discover and take advantage of the weak points of his adversary and to secure and protect his client by all proper means against the strong ones. He scorned all mean and dishonest advantages, and hence his trial of causes was always fair and honorable. He was there, as everywhere else, a strictly honest man. His advocacy, and it was in that he most excelled, was, therefore, of that kind which aids most in the administration of justice—in the discovery of truth and the exposure of falsehood. It was that advocacy which is the right hand of justice—which vindicates and protects innocence and right, and exposes and punishes oppression and wrong. Courts and juries would make most feeble and unsatisfactory progress in the administration of justice in litigated causes, without the assistance of such advocates. They are ministers as useful and indispensable in the temple of justice as the judge on the bench or the jury in the box. It would almost seem that they are even more useful, for in their capacity of

attorneys and advocates the whole machinery is moved by their exertions and carried into successful action under their guidance. From your temple of justice such a minister has been withdrawn, to be seen and heard there no more forever. A master workman, one tried and experienced, has gone, leaving a void which many revolving years will not suffice to fill. The vacant chair, the genial smile, the friendly greeting, the dignified and able conduct and advocacy, often marked by wit and repartee, will not be forgotten until the present generation of lawyers among you have passed away. It is no disparagement to survivors to say that no more graceful, able and successful advocate has appeared in Columbia county than was Mr. Taylor.

"As a lawyer, I think it may be truly said, that Mr. Taylor was thoroughly taught and versed in the elementary principles of our law. In his practice, though not discarding books, but taking more than ordinary pains to provide himself with a library, I still think he belonged rather to that class who depend more upon their clear perceptions of what is just and true than upon books and cases—more upon principles than precedents. *Juvat accedere fontes.*

"Any sketch of him, as a lawyer, would also be defective which failed to notice his urbane and courteous manners—that deference and respect which he always observed in his intercourse with others, the court, the jury, the counsel opposed, the parties and the witnesses, and all with whom he came in contact. This was habitual with him at all times, and under all circumstances, and sprang from that kindly disposition, and gentleness, and evenness of temper, which were prevailing characteristics. He was never rude or offensive, and I do not remember ever to have heard him speak a harsh or unkind word even to the most menial or insignificant.

"In his capacity of counsel—'in his office, where every lawyer is a judge, and where, in matters not litigated, vastly exceeding those which are, he decides all questions,' the learning, the ability, the truth and integrity of our deceased friend were invaluable. How many lawsuits has he not saved, how much litigation, strife and bitterness, and useless expense, by his prudent and sagacious advice. He was always a pacificator, where pacification was proper and possible. He knew nothing

about that art, vicious in itself, and disgraceful in those who practice it, which fosters and fomenters useless litigation. The number of people in your county, and elsewhere, under obligation to him for the exercise of this excellent quality, is almost countless.

"His abilities were such, and such the generous and disinterested qualities of his heart and judgment, drawing and attaching to himself by the ties of the warmest friendship all who knew him, that had he aspired in the least to political distinction there could have been no doubt of his success. But he had absolutely no ambition for preferment or distinction of that kind. He preferred the more unostentatious and at the same time more noble and useful walk of his profession. His face was rarely seen in the caucus or the convention, and his voice never heard from the 'stump' or at the hustings. He abhorred the tricks and chicanery in which our politics are too much involved and by which they are too frequently governed, as much as he did the subterfuges and mean and unfair artifices of the pettifogger."

The salient facts of Mr. Taylor's life are these: He was born at Rupert, Bennington county, Vermont, on the 26th of June, 1828. Graduating from Williams college (Massachusetts) at the age of nineteen he read law in the office of J. C. Hopkins, Granville, New York, who subsequently became judge of the United States court for the western judicial district of Wisconsin, and performed the sad duty, nearly forty years thereafter, of testifying to his unchanging and sterling qualities of heart and head. Of this period in Mr. Taylor's life Judge Hopkins says:

"It was in 1849 that he entered my office as a student. He was then but lately from college, and, although unschooled in the ways of business, he was still so pleasant and agreeable in his manner, and so fine a conversationalist that he soon became very popular with all classes of society, and as he possessed a large share of what is called good sense he readily secured the confidence of the business portion of the community. His course of study differed materially from that of most other students.

"His ambition, from the start, was to become an advocate, and he therefore selected and pursued a course of study which he deemed best

calculated to develop and cultivate that quality. He took little interest in the works of practice, or the mere practice, and I presume he never became noted for a nice or technical practice.

"He looked upon the law as embodying the principles and rules that control and regulate the relations of human life and society, and he applied himself diligently to learn them, and selected and read for that purpose the works of the best and most profound law writers without, however, neglecting the study of the most approved literary and poetical works; indeed, he stored his mind with such material as was best calculated to perfect him as an advocate; and so great was his success that, before he was admitted to the bar, he had won and enjoyed a most enviable reputation as an accomplished and polished speaker."

Being admitted to the bar in 1857, Mr. Taylor had a short experience as an insurance agent, but, although successfully conducted, the business was not according to his tastes, and he came west to practice the profession which he loved. Fortunately he at once became the associate of Luther S. Dixon, of Portage City, then, as for years, one of the giants of his profession. To his encouragement and influence the modest young Vermonter acknowledged much of his after progress. Two years thereafter Judge Dixon was elevated to the bench, and the partnership was dissolved. In 1868 Mr. Taylor formed a professional connection with his younger brother (James B.), which was only severed with death. A stanch republican, although never a partisan, he served as district attorney for three terms, being elected in 1868, 1870 and 1872. If his ambition had been directed toward political preferment he would undoubtedly have made a national mark, but his profession was the one serious purpose of his life, and the position which he reached is proof that he did not misjudge the importance of his mission or his ability to reach the height of his aim.

JAMES B. TAYLOR.

If the present is a true promise of the future, the career of James B. Taylor will have as lasting and as beneficial an effect upon the community in which he has resided for so many years, as that of his lamented brother, Emmons Taylor, who was accounted one of the most

talented lawyers as well as among the truest of men in the northwest. His parents were Stephen and Harriet (Sheldon) Taylor, both natives of Vermont. On his father's side his grandparents were Joel and Hannah Taylor, who were descended from an old English family and were for many years prominent residents of Concord, New Hampshire. They afterward removed to the Green Mountain state, where the parents of James B. Taylor were born, as well as our subject himself.

Mr. Taylor is a native of Rupert, Bennington county, where he was born on the 15th of August, 1840. After attending the public schools of this locality and working upon his father's farm in season, he set out to devote all his time and energies to the task of acquiring a thorough higher education. He therefore entered the Burr and Burton seminary, at Manchester, Vermont. The studies which he there industriously prosecuted prepared him for entrance to Union college, Schenectady, New York, from which he graduated in 1865.

In the meantime his brother Emmons, twelve years his senior, had taken up his residence at Portage, as a progressive attorney and citizen. After graduating from college, therefore, Mr. Taylor made that city his home, entering his brother's office as a student of law and being admitted to practice in 1868. At this time the two formed a partnership, which continued uninterruptedly until the death of Emmons, on the 13th of April, 1874. Since that time he has practiced alone, both civil and criminal cases receiving his close professional attention. He has served as city attorney for a number of years, has been honored with the mayoralty of Portage for one term and has twice been elected county judge—in 1893 and 1897. In politics he is a republican.

Mr. Taylor is high in the councils of both the Masons and Knights of Pythias. In the former order he has held all the offices to those of eminent commander and grand captain general in the Grand Commandery, having joined the fraternity in 1861. He is at present a member of Fort Winnebago Commandery No. 4. The organization with which he is connected as a member of the Knights of Pythias is McQueeny Lodge No. 104.

Married on the 16th of September, 1873, at Portage, to Julia A.

Davidson, Mr. Taylor has had four children—Emmons H., James Dixon, Dwight D. and Caroline M.

DANIEL KENT TENNEY.

Daniel K. Tenney, member of the prosperous and prominent Chicago firm, Tenney, McConnell & Coffeen, was born in Plattsburg, New York, December 31, 1834. His father, Daniel, was a Universalist clergyman who preached for many years in northern Ohio, his paternal ancestry being English. As early as 1620 members of the family emigrated to Massachusetts where they became prominent in various walks of life. Mr. Tenney's mother, Sylvia Kent before marriage, was a cousin of the great Chancellor Kent, of the Empire state, so that Mr. Tenney perhaps comes by his legal ability partly from inheritance.

The family moved to La Porte, northern Ohio, in 1836, when Daniel was but two years of age. In his fifth year he commenced to attend school and, strange to say, those times when the very young ideas began to shoot are distinct in his memory. At the age of eight he was apprenticed as a printer in Elyria, Ohio, his brother, Major H. A. Tenney, being owner of the paper which furnished the chief business of the establishment. For the succeeding decade he followed the printer's trade, when he worked, but obtained considerable schooling, intermittent though it was, at Elyria and Hudson, Ohio. At the age of fifteen he went to Madison, Wisconsin, to attend the state university then recently organized. By working vacations and Saturdays at his trade he managed to pay his way in that institution, and pursued the course there for four years, returning then to his old occupation and serving for one year as foreman of the Wisconsin State Journal. His bent of mind, however, was more intellectual than mechanical, and he therefore removed to Portage and began his legal studies with H. W. Tenney, now of Appleton.

Mr. Tenney was next appointed deputy clerk of the circuit court of Dane county, holding that position in the year 1855. While thus employed he continued his legal studies and on the 11th of December, 1855, at the age of twenty, was admitted to the practice of his profession. A partnership with Thomas Hood followed, which was termi-



Levi B. Vilas

nated about two years later, when Mr. Hood as a general solicitor became identified with railroad work. Mr. Tenney then formed a partnership with Charles T. Wakeley, which continued until 1860, when he organized the firm of H. W. & D. K. Tenney. For a decade the firm enjoyed perhaps the largest and most lucrative practice of any in Dane county.

But this measure of professional success did not satisfy the junior member, who, in 1870, removed to Chicago. In association with other excellent men as partners he has since that time assumed a commanding position in the field of commercial law. Especially during the five years which succeeded his going to Chicago was his success most marked, and the records covering that period will show that the firm of which he was a member had a decided lead over all others engaged in the specialty mentioned. He subsequently became senior in the firm of Tenney, McConnell & Coffeen, which still exists. Mr. Tenney himself has partially withdrawn from active practice, his services as counsellor and as adjuster of insolvencies being in constant demand. It should be stated, however, that during his younger years he was a stalwart fighter in the legal arena. He was honest in argument and procedure, determined to win and a good judge of human nature—sufficient reasons why he should have succeeded. He has always been independent of all creeds—in fact, what may be denominated a free thinker—and has written much upon the subjects indicated.

Originally a democrat, Mr. Tenney has been a republican since the founding of that party. He has repeatedly refused office, declining even to have his name mentioned as a congressional candidate.

In 1857 Mr. Tenney was married, at Madison, to Mary Jane Marston, a native of Montpelier, Vermont. They have two children—John Marston Tenney, a resident of Seattle, and Mary Sylvia Tenney.

LEVI B. VILAS.

July 1, 1880, S. U. Pinney made formal announcement to the supreme court of the death of Levi B. Vilas, which occurred at his residence in Madison, February 6, 1879. Mr. Pinney referred to the deceased as “one of the eminent and most venerable members of the bar

of this court, and a distinguished and respected citizen of this state." Upon the announcement of the sad event, the court, in respect for his memory, adjourned for the day, without transacting any business, and attended his funeral in a body. In both houses of the legislature, then in session, like appropriate action was had in relation to his death. The resolutions of the Dane county bar, presented to the court by Mr. Pinney, expressed "that the deceased was distinguished in the profession of which he was a member. He was able, indefatigable and zealous in behalf of his clients, and his professional integrity was unquestioned and beyond suspicion. That in public and private life his faithfulness and probity were equally conspicuous, and that he ever regarded and acted upon the theory that the betrayal of a public trust was treason to the state."

Mr. Vilas was born in Sterling, Lamoille county, Vermont, February 25, 1811; he received an academic education, but was prevented by ill health from completing his collegiate course. He was admitted to the bar at St. Albans and practiced successively at Morristown, Johnson and Chelsea in his native state. During 1834 he was the first postmaster at Morristown. In 1835 he represented Johnson in the constitutional convention, and in 1836 and 1837 was the representative of that town in the legislature. In 1837 he was chosen by the legislature one of the state commissioners of the deaf, dumb and blind; during the same period he held the office of register of probate. In 1838 he removed to Chelsea and represented that town in the legislature from 1840 to 1843, serving on the judiciary committee, being its chairman in 1843. In 1845 he was elected state senator from Orange county, and re-elected in 1846; during the last year he was president of the senate; he was also judge of probate, for three years, of that county. In 1850 he represented Chelsea in the constitutional convention of 1850. He was the democratic candidate for Congress in 1844 against Jacob Collamer, and in 1848 was supported by the representatives of his party in the legislature for United States senator. He came to Wisconsin and settled at Madison in 1851; in 1855, 1868 and 1873 he was a member of the assembly from the Madison district. From April, 1861, to April, 1862, he was mayor of Madison; in 1862 he served as draft commis-

sioner under appointment from Governor Salomon, and served as a regent of the state university for twelve years.

In presenting the resolutions of the Dane county bar to the supreme court Mr. Pinney said, after having stated most of the facts contained in the preceding paragraph:

“The employment of Judge Vilas in strictly active, professional pursuits extended but little over eighteen years, although at the time of his death he had been in and out of the profession for a period of about forty-six years. After his settlement in Wisconsin he gave his attention mainly to the investment and management of the very considerable fortune he had acquired as the reward of professional services during his practice in his native state, and to the discharge of other duties of a public and private character. He retired entirely from the field of professional labor in 1856. During the five years he was engaged in practice in Wisconsin, in the portion of the state in which he resided there was but little litigation, and that of a comparatively unimportant character, as business interests were small and in their infancy; hence but little opportunity was afforded for the exhibition of his ability, skill and learning as a lawyer, and a knowledge of his true merit and rank as a member of our profession is confined to those of us most intimately acquainted with him. He enjoyed an extensive and lucrative practice in his native state where, as a young man, he entered the lists in competition with the members of an able, learned and accomplished bar. Without other than his own resources, in a period of eighteen years’ practice, he acquired great wealth, and a professional reputation of the highest order; and the Vermont reports during that period bear abundant testimony both to the diversity of legal topics discussed by him in the court of last resort, and to the ability, learning and vigor with which he treated them.

“Judge Vilas possessed a strong physical organization, and in the main was blessed with robust health. He had a fine personal presence. His mental powers were active and vigorous, and of a high order. With an ardent and almost vehement, but not impulsive temperament, and a strength of will and persistency of purpose that yielded to no opposition; with a judgment prudent, clear and positive, but essentially

practical in all things, and regarding steadily the actual and the practical in life, he united the elements essential to an unusually strong and positive character, and necessary to make him, as he was, an able, safe and successful lawyer, and in public life a man of great usefulness, influence and power. He was fond of society, and as a conversationalist he was both entertaining and instructive; mingling with the pleasant-ries and anecdotes which characterized his social intercourse, suggestions of practical wisdom gleaned from a wide experience, improved by the observation and reflection of an active and vigorous mind, quick to perceive and comprehend whatever might be of interest. In all the concerns of life he was eminently prudent, wise and practical, and in relation to business concerns he had great sagacity and foresight. He was strict and punctilious in meeting all his duties and obligations, and exacted the same degree of fidelity and promptness from others. His fidelity, integrity and patriotism as a citizen and public servant, honored so often and so conspicuously with the public confidence, were not only beyond question, but were unsullied by even the breath of suspicion. The long list of important public trusts from time to time committed to his care and keeping during a long, useful life, and the eminent ability and spirit of fairness he displayed in meeting their exacting requirements, bear abundant testimony to his public worth and the great loss the public have sustained in the death of so distinguished and useful a citizen, and in being deprived of that accumulated experience and wisdom which comes only with many years. He belonged to a class, now unfortunately too few in number, who understand that public trusts are not private estates, and that a betrayal of them is not merely an error or mistake to be condoned by a majority at the next election, but a crime against the social and civil state of the most serious character. He was sincerely attached to and firmly believed in the principles and traditions of the democratic party; and, but for the fact that his party, for the last twenty years of his life, was in a minority in the state and nation, he would no doubt have been called to fill official positions of still greater dignity, influence and power. Although thus debarred in some degree from place and power, the influence of such a life and character in the community and in the state cannot be overestimated.

Judge Vilas came to the state when all our public interests and institutions were in their infancy, and took at once an earnest and active part in their development and extension. Particularly was he a friend of the cause of popular education, and stood stoutly and faithfully by the interests of our state university in the days when it was a feeble institution and in sore need of wise and efficient friends."

J. C. Gregory said:

"For more than twenty years I was the near neighbor, the professional, political and personal friend of the late Judge Vilas. In all that time scarcely a day passed, unless hindered by sickness or absence, that we were not together in the closest and most friendly intercourse. It can therefore be safely said, I knew him well; and in this public place I desire to bear testimony to his unflinching integrity in public and private affairs, his sound judgment, his strong, exhaustive reasoning powers, which laid hold of all subjects worthy of his attention, ascertaining truth and rejecting error, and, having thus established his position, holding it with power, courage and persistence actually sublime.

"His mature judgment upon almost any subject challenged my highest respect. His loyalty to his convictions and his fidelity to his friends were marked characteristics of his strong nature. His was a broad, generous home.

"He was a devoted and affectionate husband and father. His society was attractive, not only on account of the solidity of his judgment and the breadth of his information, but for his keen appreciation and wonderful power of illustration by appropriate anecdote and story. I look back on the many years of our close intercourse with sincere pleasure, only with regret that it is forever terminated here. . . ."

Mr. Chief Justice Ryan said, in reply: "By far the greater part of Judge Vilas' professional life was spent in Vermont. There he acquired his chief professional distinction. When he came to Wisconsin, he had already reached middle life. He brought with him a considerable fortune, the reward of his professional career in Vermont, the care of which, as I understand it, was his principal occupation here. Like other men of advanced years and of ample means, he practiced his profession here very much as the diversion of an old lawyer, though

all he did was done with the ability which had distinguished him in Vermont. This is evidenced by the unanimous testimony of his fellows of the Dane county bar. For myself, I never was so happy as to meet him at the bar. I know of him as a lawyer only by tradition. I became acquainted with him soon after his coming to Wisconsin, and during the last years of his life was intimate with him. I think I may, therefore, venture to say that I knew him as a man well, and as a man he always had my profound respect and confidence.

“Vermont has been long distinguished for its very able bench and bar; and a gentleman who occupied Judge Vilas’ position there must have been a lawyer of no ordinary learning and ability, capable of taking high rank at any bar. A lawyer bequeaths to posterity few and comparatively insignificant traces of his work; and his memory is apt to die out utterly, except with his own profession. The Vermont reports contain the only abiding memorials of Judge Vilas as a lawyer. Those, and the kindly and respectful memory of his contemporaries, are all that are left of Judge Vilas’ professional life. It is the fate of eminent lawyers to win a great reputation during life, and to be soon forgotten after death. In half a century from now we will all be forgotten, with hardly a trace left of our life-work; none outside of the professional.

“The public offices held by Judge Vilas in Vermont and Wisconsin bear the highest evidence to his general reputation. It was undoubtedly very high and very just. He was a somewhat peculiar man, exhibiting in his life more of the fortiter in re than of the suaviter in modo. His integrity was of the very highest order. It governed his daily life, not merely in pecuniary transactions, but in all the duties of life alike. He was punctilious in keeping all his engagements of every nature, and he exacted of others the like fidelity, without, perhaps, sufficient patience with the lax and unpunctual. He was said to be fond of money. If so, his scrupulous and graceful fidelity in the discharge of all his obligations, great and small, is all the more honorable. No man ever lost a dollar by him.

“Public office to him signified public duty. He brought the same intelligence, the same conscientiousness, to public as to private duties.

He performed the functions of all his offices with like zeal and accuracy, as if they concerned his private interests, involved his private fortune.

"Judge Vilas had great energy and activity of mind and of life. He was gifted with rare soundness and felicity of judgment. He was, in all respects, essentially a strong man. He made little allowance for the weakness of others; and was perhaps overbearing at their occasional shortcomings. But if he was too exacting, the fault—if fault it were—was atoned by his high integrity of character, fulfilling to others all that he exacted of them. He was pre-eminently a just man.

"Such men have not always kindly dispositions. But, notwithstanding his occasional peremptory manner, Judge Vilas was essentially a kind-hearted man. Not to speak of the estimation in which he was held by his own, his old neighbors—many of whom felt his helpful hand—bear witness to the goodness of his disposition.

"Cornelia's jewels are proverbial. It is a happy thing for Judge Vilas' memory that he has left behind him inheritors of his name, who honor him in adorning the profession. They are his best monument. To this living praise, we can add words only."

WILLIAM F. VILAS.*

An enumeration of those men of the present generation who have won honor and public recognition for themselves and at the same time have honored the state to which they belong, would be incomplete without prominent reference to the one whose name is given above. In the field, at the bar, in the halls of legislation, on the rostrum and in the councils of state, Colonel Vilas has been for years a large force.

William Freeman Vilas was born in Chelsea, Orange county, Vermont, July 9, 1840. He was a lad of about eleven when his father, Judge Levi B. Vilas, came west with his family to make his home at Madison. The subject of this sketch early entered the university of Wisconsin, where he graduated with the highest honors of his class,

*This sketch is from the *Columbian Biographical Dictionary*, Wisconsin volume, published in 1895. Its authorship is not known to the editor of this work, else the writer's name would be given. A few modifications of the language have been made. The paragraph concerning the editorship of the second edition of the Wisconsin reports and the concluding paragraph have been added.

in 1858, at the age of eighteen. The year after graduation he went to the Albany law school, where for a year—the full duration then of the law course—he diligently and intelligently pursued the studies of the profession he had chosen. He took his diploma at that institution in 1860, and returned to Madison, where he entered upon the practice of law as a partner of Charles T. Wakeley, to whom was joined later his brother, Hon. Eleazer Wakeley, a lawyer of high ability, formerly United States territorial judge and afterward judge of the United States district court in Nebraska. Under such favorable auspices, thoroughly trained and equipped for the struggle, and imbued with an ardent love for his profession, the young lawyer's progress was rapid and satisfactory. In his twentieth year he argued his first case in the supreme court of the state. He speedily established himself in the esteem of his brethren on the bench and at the bar, and readily gained the confidence and good will of clients. He had, however, just entered upon his career when the civil war broke out, and it must certainly have cost him a struggle to abandon his profession and the alluring prospects of success which a just ambition held out to him. No unworthier sentiment could have caused him to hesitate, nor could that long control his conduct. He had served in the old Governor's Guard, had been a captain of a zouave company, and when the real need came in 1862, when the raising of needed regiments began to be an uphill business, he started to raise a company for the twenty-third regiment. In a war meeting held in the state capitol, he made a speech full of patriotic fire and that magnetic eloquence for which he has since become famous. He appealed to the young men to go with him. With clear reason he disclosed the wrong of secession, its wickedness, its inexcusableness, and the duty of all, irrespective of politics or party affiliations, to unite in suppressing armed rebellion by armed force. His speech electrified all, and in a few days he filled his company, had it accepted and was mustered in as the senior captain. But, lest any jealousy should be engendered, he offered to waive his seniority, but his brother officers, captured by the generous and manly spirit of the young captain, insisted that he should keep his seniority, which he had fairly earned by reporting his company first full in complement of men. Entering the service

he was soon promoted as major and then to the lieutenant colonelcy, and during a considerable part of his service, in the absence of his highly esteemed colonel, Guppy, he was in command of the regiment. He served under General Grant in the army of the Tennessee, and in the brilliant campaign that ended in the siege and fall of Vicksburg he led the regiment in several battles and skirmishes, and in the rapid marches and movements that enabled Grant to work out the superb strategy of that campaign. When the Vicksburg campaign had ended, his regiment was sent to New Orleans, and the confederacy was overthrown in that quarter. Colonel Vilas, seeing only a prospect for a long period of inaction, resigned and came home, as his father, who had become involved in heavy and threatening litigation, desired his assistance in defending it.

Resuming practice, he was soon in the front rank of his profession in the state. Unlike many who returned from stirring scenes of camp and field to the duties of civil life, he seemed to begin where he left off when he entered the army, and, in the same line of progressive development, he pressed zealously forward in his professional career. Whatever he had to do he did thoroughly and well, relying not merely nor mainly upon his undoubted talents, but never failing in diligent, intelligent and systematic preparation.

He early formed habits of industry, without which all professional success must be illusive and disappointing. He never made the mistake that many do who have the gift of eloquence. He never went into the trial unprepared. He knew all about his case, all about the law in it; he knew where it was weak and to be guarded and where was the true point of attack of his adversary.

He was married in 1866, and soon after established his beautiful home amid a grove of oaks a short distance from the city, where he could enjoy his evenings in the seclusion of his library, undisturbed by anxious clients or the numerous distractions of town life. There, for twelve years, he habitually devoted his evenings until a late hour of the night to study and reading—mainly in the line of his profession. Yet, notwithstanding the engrossing character of his professional studies, he found time to wander into the domain of general literature,

history, politics, science, poetry, belles-lettres and the higher class of fiction, and in such fields to accomplish what would be for an ordinary man an immense amount of labor. Such was the result of the excellent use made by him of all his opportunities, his natural gifts, his courage and aptitude for legal controversy and his sound business sense and quick perceptions, that it is not too much to say that at the age of thirty he was the peer of any member of the then brilliant bar at the capital of the state. This early success neither tempted him to forego his efforts for further triumphs nor filled the measure of his ambition. He rather redoubled his exertions, nor did he thus seem to tax but rather to call forth his power. In every line of professional labor—in the office, at the pleader's desk, in the nisi prius courtroom, before the courts of last resort in equity, in law or in bankruptcy matters, he was instant, zealous, bold, untiring and generally successful. In his arguments in court he has always been more intent on impressing the jury with his views of the case than with his ability as a talker, and in consequence has seldom failed to convince them. His clientage, which was considerable at an early period of his professional career, constantly increased, until he had a flood of important business.

Besides giving his attention to the matters which thus came to him, Colonel Vilas, in connection with Colonel Edwin E. Bryant, for some years his law partner, prepared a new edition of volumes 1, 2, 4, 6-20, inclusive, Wisconsin reports, with notes. These were published in 1872, 1873, 1874 and 1875. He, also, before becoming a member of President Cleveland's cabinet, was a member of the faculty of the university college of law, and delivered lectures with such regularity as his business permitted.

In 1875 Colonel Vilas, associated with David Taylor and J. P. C. Cottrill, was appointed by the justices of the supreme court upon a commission to revise the statutes of Wisconsin. With painstaking assiduity and protracted labor, they rearranged, rewrote, condensed, classified and codified the whole body of general statute laws. The work was admirably done and accepted by the legislature in 1878.

Politically Colonel Vilas has always been a steadfast democrat and has ever stood by the banners of his party, aiding with a liberal hand,

wise counsel and brave words of hope and cheer, even during the days of gloom when the prospects of the party were shrouded in darkness.

He attended the national conventions of his party as a delegate in 1876, 1880, 1884 and 1892. He was on the stump, speaking for the cause in Wisconsin and other states. Possessed of oratorical ability second to none, he was a powerful factor in the political campaigns, and with a degree of earnestness that carried conviction, he pleaded the cause of democracy. He did not seek political advancement. His devotion to his profession, as well as his own tastes and inclinations, prevented him from participating in a personal struggle for office, and in 1879 and in 1883 he refused to accept the democratic nomination for governor of the state. Although he desired to keep out of public life, he rendered much public service—once as trustee of the soldiers' orphans' home, when that institution was in existence, and for a considerable period as regent of the state university, of which institution he has always been a firm friend. While acting as one of the board of regents, an action was brought by a student to test the question whether the charge of a few dollars per year as incidental fees could be made under the statutory provisions that tuition shall be free. The question involved was one of vital importance to the university, then struggling along with scant income. The regents employed Colonel Vilas for the defense. He fought it out, and as a lawyer, he might have charged a large fee, but he declined to render a bill, taking the ground that he as a regent could not, with propriety, make a charge for services, though rendered professionally as a lawyer. He won the case, thus augmenting permanently the revenues of the institution some ten thousand to twenty thousand dollars per annum. In 1885 he was a member of the assembly, and while acting in that capacity was instrumental in securing the passage of the largest appropriation bill in aid of the state university that had ever up to that time been passed.

Although Colonel Vilas repeatedly refused high political honors, he nevertheless became more and more conspicuous in national politics. His great natural ability, ripe knowledge, oratorical powers and great personal popularity with the people of his state made his name a power that exerted its influence throughout the land, and when President

Cleveland, on the 5th of March, 1885, announced the names of those whom he had selected to serve as his assistants and advisors in the discharge of his duties, he not only conferred a high honor upon Wisconsin and the entire west, but tendered a fitting testimonial to the worth of one who for years had fought the battles of democracy without thought of self or of personal ambition, by appointing Colonel Vilas postmaster general. At that time he was a member of the legislature and the session was more than half served out. He asked for an apportionment of salary so that he could refund enough of the salary already drawn to leave due part to the member elected to succeed him. The legislature appropriated the full five hundred dollars to his successor, and took the ground that Colonel Vilas was entitled to all the money he had drawn. But he could not agree to this action, and returned the salary into the state treasury, preferring to forego all that he had earned than retain a smaller part which he deemed unearned. At the head of the postoffice department of the government, Colonel Vilas gave personal attention to every feature of the business of his department. His practical mind soon devised means for bettering the service, and the methods he designed and introduced are now followed in every one of the sixty thousand postoffices now serving the people. Though the senate was republican during his service at the head of the postoffice department, they invariably adopted Colonel Vilas' recommendations and freely gave every dollar that he asked for the service. On one occasion the postoffice committees of both houses adopted his estimate to a cent, for every one of the items in the appropriation for the postal service, aggregating about fifty-seven millions, explaining in their report that this unusual course was taken only after the most searching examination, and the bill passed Congress.

When he mastered this vast department, that reaches into every nook and neighborhood of our vast domain, affecting by its efficiency or inefficiency every business and every home, the President, in January, 1888, called him to another field. The interior department is one that represents a field of multitudinous details and demands at its head a man of broad mentality, discernment and a capacity for handling not only affairs of great importance, but, as already intimated, embracing

extreme minutiae, and to this exacting post Colonel Vilas was called, and that he came fully enforced for gaining the mastery of the onerous duties thereby devolving, need not be said in this connection. Among other things this incumbency demanded the investigation of hundreds of Indian treaties, accounting with several hundred bands and tribes, the carrying out of a policy of humane care to lift up the Indian in civilization and save him from that extermination from which he can escape only by being raised from his savage state. Colonel Vilas grasped these with a capacity for mental labor such as few men possess—he patiently considered everything. His decisions in land cases, prepared when multitudinous matters demanded his attention, are now quoted from the bench as soundest expositions of land laws, applied in doubtful cases. Very few of them have been reversed by the courts. His rulings corrected much that was loose and laggard in the land office, brushed away much that was merely technical, aimed to do speedy and exact justice to settlers and to settle on a basis of equity and fairness many questions long delayed, which involved the hopes and homes of thousands of poor people on the frontier. The judicial work of the department was two years behind when he took hold, but when he laid down his portfolio in 1889, the large arrearage of unfinished business was well nigh closed. With a few more months of service it would have been brought up to date. His report as secretary of the interior was a compendium. It exhibited perfect knowledge and familiarity with the great conglomeration of bureaus and their bewildering dependencies, and of the laws and policies guiding, as essential to wise guidance of them all. President Cleveland, in his message of that year, speaks of it as “an able and interesting report.”

With the retirement of President Cleveland, Secretary Vilas laid down the onerous load of official care. Lamenting the defeat of his party and of his noble chief, whom he honored and loved and whose wisdom and perfect purity of purpose he profoundly esteemed, Colonel Vilas joyfully returned to the home he loved so well and to the freedom of private life.

The contest of 1890 forced him again into the political field. In this state, besides national questions, another issue was thrust into the can-

vass—the Bennett law exciting great feeling. Colonel Vilas gave the subject careful attention. He saw in the law a mischievous departure from democratic principles; thought that the law needlessly and unwarrantably trenched on the most sacred grounds of personal liberty—that it thrust the rude hand of official authority into the home circle; gave affront to the feelings strongest and most sensitive in the human race—the feelings of paternal affection and religious obligation; that it wounded the pride of race and the love of mother tongue; and all this without necessity and by a law as clumsy and inapt in structure as it was, to his mind, vicious in principle. Colonel Vilas traversed the state, speaking nightly to crowded audiences, denouncing the McKinley tariff and the Bennett law, illustrating the badness of each. The arrows of the enemy were quite generally aimed at him, but with the same intrepid ardor with which he led his regiment in battle, he bravely led the Wisconsin democracy against its political foes, and when the smoke of battle had cleared, the enemy was routed.

This political victory assured a democratic majority in the legislature, and the election of a democrat to succeed Senator Spooner in the United States senate. The vital question in national affairs was tariff reform. Colonel Vilas had always been a tariff reformer and had repeatedly condemned the system of protection. In many democratic platforms written or reported by him in the state conventions he gave forcible condemnation to the republican system of tariff extortion. During many years he chafed impatiently while the leagued protectionists, in full control of the republican leaders, also managed to hold in leash some of the democratic chieftains and by deft management to stay all party assault upon the tariff law. Colonel Vilas regarded those laws as iniquitous. He studied them carefully and vigorously opposed them. In 1883, when democracy was nearly inert on the great question, Colonel Vilas in a short speech before the Iroquois club at Chicago, threw down the gage of battle in premises, from which he deduced a summing up which clearly defined the position which his party must assume on this great issue.

After viewing his entire career—as a citizen, as a soldier, as a statesman and as a tariff-reform democrat—it is not surprising that the

democrats of Wisconsin, through their representatives in the legislature, selected him to guard their interests in the most important legislative body on the globe, which they did by electing him United States senator on the 28th of January, 1891. As a senator, Colonel Vilas displayed the same degree of ability that characterized his entire career.

It is but just to say that Colonel Vilas proved himself to be one of the best equipped men of his generation for participation in the deliberations and actions of the United States senate. He is a sound, clear-minded, well-trained jurist. The limitations which are imposed by the constitution on federal powers are well understood by him. With the long line of decisions, from Marshall down, by which the constitution has been expounded, he is familiar, as are all great lawyers. He is at home in all the details of the law from the minutest points in practice to the greater topics wherein are involved a consideration of the ethics and philosophy of jurisprudence and the highest concerns of public policy. But he is not learned in the law alone. He is deeply read in history, has studied long and carefully the subjects that, to the statesman, are of deep interest, the questions of finance, political economy, sociology, and has kept abreast with the best thinking men of the age.

This groundwork of statesmanship is adorned with a gift of oratory, carefully improved by cultivation, such as is given to but few. As a public speaker, an advocate, winning, persuasive, clear, logical and at the same time, "magnetic," his fame is national. With a voice of wonderful range and compass, capable of filling the largest auditorium, no man can hold larger audiences in more submissive attention than he. Rich in thought, with lofty diction, he is copious in language, felicitous and clear in argument, vigorous always, thoroughly in earnest, full of the ardor of conviction, never abusive of adversaries, full of high-toned courtesy, yet a foe to be feared, whether in legal argument or the less conventional debate on the stump. His fame as an orator was national when his party in state and nation were in a minority so hopeless and discouraging as to bar against its able men almost every avenue to public attention.

Long before Colonel Vilas had accepted any political honors, his fame as an orator had become national. In 1878 he was invited by his com-

rades of the army of the Tennessee to deliver the annual address at their reunion in Indianapolis. That speech was one of singular power and beauty, and fired with a genuine patriotism.

Among his finest efforts of oratory, and one that most widely extended his fame as an orator, was his response to the toast, "Our First Commander, General U. S. Grant," which he delivered at the banquet of the society of the army of the Tennessee, in Chicago, in 1879. It was delivered before one of the most distinguished assemblies of military and civic great men, on the occasion of the welcome of General Grant after his return from his famous journey around the world. To this, the crowning toast of the occasion, the society's welcome to its commander, Colonel Vilas had been selected to respond. Among a galaxy of orators, and a feast of eloquence such as is rarely heard on one occasion, Colonel Vilas' speech, in manner, matter and perfect fitness to the great occasion, stirred up the veterans of war and the veterans of oratory to a pitch of enthusiasm almost indescribable. It was the theme of editorial praise at the time by all the leading newspapers of the country. It is said that in public libraries books containing that speech bear marks of much use, showing how widely read it is.

On finishing his term of service in the United States senate Colonel Vilas returned to his Wisconsin home and resumed the practice of his profession. He was a delegate to the national democratic convention of 1896, and did his utmost to prevent that body from taking, what he thought to be, the unwise and undemocratic position it assumed on the currency question. Failing in that, he repudiated the platform and candidates of that convention. He was a member of the Indianapolis convention and supported its candidates. In 1898 Governor Scofield appointed him a member of the board of university regents. Professional business has come to him, and he engages in it with the same zeal and power as before he withdrew from it to enter upon the arena of national politics. As cabinet minister, senator and lawyer, Colonel Vilas has deservedly won the respect of the people of Wisconsin.

CHARLES E. WHELAN.

Charles E. Whelan, second assistant attorney general, is a native of Wisconsin, being born in Mazomanie, Dane county, on August 26, 1862. His parents were both natives of New York. His father, Curtis E. Whelan, who came to Wisconsin as early as 1848, was an intelligent and industrious blacksmith of the Empire state. His mother, Martha Whelan, was the daughter of Moses Rowley, a pioneer preacher in Wisconsin. Previous to coming to the state Mr. Rowley was also the first postmaster of Gouverneur, New York, and served as a member of the legislature of that state in 1828. He was esteemed one of the forceful orators of his day—a man who would attract attention in any day and in any land. Mr. Whelan probably inherits his intellectual tendencies from his maternal ancestry, and his natural talents have been developed by a thorough education of both a general and a professional nature. Having passed through the public and the high schools of Mazomanie, and being too poor to enter college, he learned the printer's trade at Waupun, Wisconsin. After working at his trade for some years he became a "newspaper man" and followed that vocation until 1893, when he began a course in law at the university of Wisconsin, from which he was graduated in 1894.

For several years previous to commencing the practice of his profession Mr. Whelan enjoyed a thorough experience both in the mechanical and business departments of newspaper work. He learned the printer's trade at Waupun, Wisconsin, after which he served as foreman of a Dakota newspaper. In 1883 he returned to Wisconsin and two years later purchased the Sauk County News, published at Prairie du Sac. In 1886 he sold the property and removed to Madison, being employed from 1887 to 1892 as an editor in the office of the State Journal. In 1893 he was appointed a proof reader in the office of the supreme court reporter, and commenced the systematic study of law at the university of Wisconsin, thus supplementing several years of private study.

After graduating from the law school he at once entered into active practice at Madison, and in 1895 was employed as special counsel for

the state fish and game warden, while the constitutionality of the game laws were being tested in the various courts of the state. The contests covered periods of 1895 and 1896, and Mr. Whelan's professional labors were so satisfactory that in July, 1897, he received the appointment of second assistant attorney general of the state. The cases tried under the state game laws are perhaps the most important in which he has been engaged and are fully reported in 92 Wisconsin.

Mr. Whelan's honorable position in the community in which he has passed so many of his best years is also well illustrated by his election to the mayoralty of Madison in April, 1898. Further, he is a Mason in high standing, being now senior grand warden of the Grand Lodge of Wisconsin; a member of the Knights of Pythias and state deputy of the Modern Woodmen of America.

As an active and efficient campaign worker and an eloquent speaker, Mr. Whelan is generally known and admired throughout the state by the best class of republicans. He has been on the stump since 1882 and every campaign has seen him well at the front.

Mr. Whelan was married in May, 1885, at Black Earth, Dane county, to Bertie Wallis. They have two children, Letta H. and Charles E.

FRANK M. WOOTTON.

Frank M. Wootton is a native of Madison, and it is not saying too much to assert that no lawyer of his years in Dane county has a higher standing or a brighter promise. Born on May 28, 1867, he is the son of Robert and Elizabeth (Morgan) Wootton. When a boy of twelve years his father came from England to the United States and was for many years in the employ of the great publishing house of Harper Brothers. He became a resident of Wisconsin in 1859 and was long engaged in the insurance business, being especially well known as district agent of the Northwestern Mutual Life Insurance company.

The boy was educated in the public and high schools of his native city and afterward took a special course of two years in the university of Wisconsin. The training in the institution last named was preparatory to his legal studies in the state university. He graduated from the



Frank M. Wentton

law school in July, 1890, also studying in the offices of John Erdall and Smith & Buell, of Madison. Being admitted to the bar, he at once commenced practice in his native place, being, from July, 1890, to June, 1891, in partnership with Eugene Rowley. With the exception of this year he has been alone, and it is therefore solely as the result of his own ability and efforts that his business has become as large and profitable as that of any of the younger lawyers in his section of the state. It has, in fact, extended so rapidly that he now maintains a branch office in Sauk City, conducted under the firm name of Wootton & Engeset.

Mr. Wootton's practice is chiefly in the line of commercial law, for which, by experience and temperament, he is especially adapted. Through his father's long connection with the insurance business and while a student in the law school, he temporarily took up this line of work. From the first, also, he evinced a decided talent for debate and college politics—in fact, the strong lines of his character which were to determine his career seemed early fixed.

Among the important cases with which Mr. Wootton has been identified are those of the State *ex rel.* Orlando E. Turner vs. James Bell et al., quite generally known as the Dane county drainage case, in which he appeared as one of the attorneys for the commissioners (still in litigation), and John E. Adamson vs. George Raymer, O. D. Brandenburg and the Democrat Printing company, in which, with George W. Bird, he appeared for the defense. Mr. Adamson, as chief of police of Madison, brought a libel suit against the defendants for \$30,000 damages, and after a litigation of two years the case was decided by the supreme court in favor of the defendants.

To the residents of central Wisconsin it will be superfluous to add that Mr. Wootton is already a power in local politics and that his influence is surely spreading throughout the state. Since 1888 he has taken an active part in every campaign and for two years has been chairman of the republican city committee. He is an eloquent speaker, a keen debater, an indefatigable worker and a splendid organizer. And, notwithstanding his force as an opponent, he is so fair in his methods that he has twice served upon the board of supervisors, once without opposition from the democrats.

But neither politics nor his profession claim all of his attention, his activity, both mental and physical, making him pre-eminently a man of affairs. For example, he is a director of the Provident Building and Loan association; president of the North Side Land company, and is a director of the Park and Pleasure Drive association. The last named is a private institution which has constructed many miles of fine roads around Madison. One of Mr. Wootton's characteristics, in fact, is his love for driving and for fine horses. He is the owner of several fast animals, one of which has a record of $2.11\frac{3}{4}$. His beautiful summer residence on Lake Mendota, three miles from Madison, known as Shore Acres, is also another evidence of his love for nature and outdoor life.

The latter, in fact, may be called more a characteristic trait than any predilection for society which he may have. He is a Mason, however, in good standing, being a member of Robert McCoy Commandery of Madison.

In July, 1890, Mr. Wootton was married to Miss Addie M. Gage. They have two children, Elizabeth Gage and Robert Henry Wootton.

CHAPTER XXV.

THE TENTH CIRCUIT, ITS JUDGES AND LAWYERS.

It was enacted in 1855 that from and after July 1 of that year all that portion of this state included between the counties of Brown, Kewaunee, Door, Outagamie, Oconto and Shawano, shall be the tenth judicial circuit. The time for electing the first judge was the first Tuesday of May, 1855, and he was to enter upon his duties on the first Monday of the following July. The boundaries of the circuit have been often changed since that time. It is now composed of the counties of Florence, Forest, Langlade, Outagamie and Shawano. Its judges, in the order of service, have been S. R. Cotton, Edwin Wheeler, G. W. Washburn, Ezra T. Sprague, E. H. Ellis, Geo. H. Meyers and John Goodland.

THE BENCH.

STEPHEN R. COTTON.

The first judge of the tenth circuit was Stephen Rossiter Cotton. He was born at Plymouth, Massachusetts, March 25, 1818, and was a direct descendant of John Cotton, the first minister who preached in Boston. Through his own efforts (he was one of a family of sixteen children) he acquired an academic and classical education at his native place, and at eighteen years of age became principal of the public schools of Newport, Rhode Island. While thus engaged he began the study of the law, and was admitted to the bar in Newport in 1841. In the spring of 1842 he removed to Green Bay, and entered upon the practice of his profession. On the first of May, 1855, he was elected judge of the newly-created tenth circuit, and discharged the duties of his office until July 1, 1861. He was not a candidate for re-election.

Moses M. Strong, in his "biographical sketches of deceased members of the bench and bar," says of Judge Cotton that "the discharge of his duties as judge was marked by superior learning and ability, great patience and endurance, a wonderful suavity of manner, and the greatest

consideration for the rights and feelings of all concerned in the administration of justice, especially the younger members of the bar, and at the same time conferred honor upon the judge and gave satisfaction to the public. Upon his retirement from the bench he again resumed the work of his profession, which was his pride and delight, and the highest rank in which it was ever his ambition to attain. He never had or desired to have either the honors or responsibilities of civil office, except as connected with his profession. His professional career, after he left the bench, was comparatively brief, but creditable, honorable and successful; and, after a little more than five years of diligent and faithful professional labor, he became the victim of a fatal disease which, on the 15th of February, 1867, terminated in his death."

EDWIN WHEELER.

On the second day of April, 1861, Edwin Wheeler was elected as the successor of Stephen R. Cotton, judge of the tenth circuit. But for his death his term of office would have expired on the first of January, 1868. He entered upon the duties of his office on the first of July, 1861, and continued faithfully to discharge them until the time of his death, which occurred at his home in Oshkosh, on the 22d of January, 1864.

He was born at Unionville, Lake county, Ohio, June 25, 1828. He acquired a very good though not a collegiate education, and after reading law for some time at Akron, Ohio, completed his law studies in the office of Smith & Collins (Geo. B. Smith and A. L. Collins), at Madison, Wisconsin, where he was admitted to the bar in 1849. He immediately settled at Neenah, in Winnebago county, where he commenced the practice of his profession. Remaining at Neenah for about three years he removed to Oshkosh in 1852, where he continued to reside. He was that year elected county judge of Winnebago county. In 1856 he was elected to represent that county in the state senate, and held that office during the years 1857 and 1858. During the twelve years that he was in practice before his election to the bench, he had acquired an extensive practice, and his standing at the bar and throughout the circuit was such that the honor of a position upon the bench was conceded to him with very great unanimity.

Judge Wheeler was methodical, systematic and laborious. He had a ready, clear and just appreciation of fundamental, legal and constitutional principles, and was an upright and unbiased judge. He was never suspected of weighing considerations personal to himself in the disposition of cases litigated in his court. He had no favorites in court to whom he lent a more than friendly ear, nor had he enmities or dislikes among litigants or lawyers that were disclosed to the most critical or discriminating eye in his decisions on the bench. He was eminently a fair-minded, honorable and just man, and these characteristics were conspicuous during the term of his judicial office.

Shortly before his death he held a term of court at Shawano. In returning from there to Oshkosh he suffered severely from exposure to the excessive and terrible cold of the first few days of January, 1864. On arriving at his home he was compelled to take to his bed, which he never left alive. He died of hemorrhage of the lungs, on the 22d of January, 1864.

GANEN W. WASHBURN.

Years ago there lived in the town of Livermore, Maine, two brothers—Israel and Renel Washburn. They were of New England stock, tracing their descent from John Washburn, secretary of the Plymouth colony in England, who married Patience Cook, one of the passengers in the Mayflower. Israel Washburn was the father of C. C., E. B. and W. D. Washburn. Renel Washburn was a prominent lawyer of Livermore, and the father of Ganen W. Washburn, the subject of this sketch, who was born in Livermore, October 29, 1823; he entered Bowdoin college at eighteen and was graduated with honors in 1845; read law in his father's office, and completed his studies with his cousin, Israel Washburn; was admitted to the bar in 1847, at Paris, Oxford county, Maine, and at once started for the west; reaching Wisconsin, he settled in Oshkosh in July of that year and began the practice of his profession. He continued to practice alone until 1850; in that year he formed a partnership with Gabriel Bouck, then fresh from Union college. This relation continued until 1857. Mr. Washburn has served the people as chairman and clerk of the board of supervisors of Winnebago county,

treasurer of said county and school superintendent of the city of Oshkosh. In 1863 he became judge of Winnebago county; in 1859 and 1860 he was state senator, and on February 2, 1864, was appointed judge of the tenth circuit. He resigned that office early in 1870, and since then has given most of his time to business affairs, being largely interested in lumbering, agriculture and dairying. For several years he was interested in numerous creameries in different parts of Winnebago county; his connection with these has been discontinued.

In November, 1850, Mr. Washburn was married to Miss Sarah P. Strickland, of his native town. Their family consists of four children: John R. Washburn, Mrs. Clara W. Morgan, Mrs. L. D. Harmon and Miss Alice Washburn. Judge Washburn is now residing at Oshkosh. An estimate of his career as judge may be found elsewhere.

One fact in Judge Washburn's legislative career shows the sturdy independence of the man; he was the only republican in either branch of the legislature that refused to vote for the state rights resolution—that is, the resolution affirming the right of the several states to judge of infractions of the federal constitution, and to determine for themselves the mode and measure of redress.

EZRA THOMPSON SPRAGUE.

Judge Washburn was succeeded by Mr. Sprague, who was appointed judge in April, 1870, and served until 1872. Mr. Sprague was born in Windham, Connecticut, June 23, 1833; his father was William B. and his mother Johanna H. Sprague. The son was fitted for college at West Killingly academy, in Connecticut, and was graduated from Amherst in 1855. The following year he removed to Madison, Wisconsin, and entered upon the study of the law in the office of Smith & Keyes. In April, 1857, he was admitted to the bar, and from 1858 to 1861 practiced law in that city, part of the time in partnership with J. H. Carpenter.

On the breaking out of the civil war he enlisted as a private in the first Wisconsin; was promoted to corporal and then sergeant. On the expiration of the period for which that regiment was mustered in Mr. Sprague became adjutant of the eighth Wisconsin. While con-

nected with it he acted as adjutant of the brigade of which it formed part, and, later, as assistant adjutant of the division. In the fall of 1864 Mr. Sprague became colonel of the forty-second Wisconsin, and during the last months of the war was in command of the troops at Cairo, Illinois. In June, 1865, he was brevetted brigadier general.

At the close of the war Colonel Sprague engaged in the practice of the law at Depere, Wisconsin, and continued therein until he was appointed judge of the tenth circuit, in April, 1870. In the spring of 1873 he removed to Salt Lake City, Utah, hoping that the milder climate of that region would benefit his failing health. From 1875 until 1888 he practiced law there; during that period he served one term as assistant United States attorney. His death occurred there December 30, 1888.

Colonel Sprague was married November 20, 1860, to Helen A. Crandall, of Madison, Wisconsin, who resides at Salt Lake City. He leaves two daughters and two sons.

E. HOLMES ELLIS.

The fifth judge of the tenth circuit was E. Holmes Ellis, who, from 1872 to 1879, occupied that position. Mr. Ellis was born at Green Bay, August 26, 1826; his general education was acquired in the common schools and in his family; he prepared for admission to the bar in the office of Henry S. Baird, and at the age of twenty-one was admitted to the bar of the territorial court. In November, 1847, he opened an office at Manitowoc Rapids, and practiced there until 1851, when he removed to Green Bay, where he has continued to reside. He has been in partnership with several lawyers—W. J. Green, H. J. Fenbee, S. D. Hastings, Jr., George G. Greene and W. H. Norris. Besides his eight years' service as circuit judge Mr. Ellis has held the offices of district attorney and clerk of the board of supervisors of Manitowoc county, alderman and mayor of Green Bay and register of deeds of Brown county. During President Cleveland's second term Mr. Ellis became postmaster of Green Bay. He has twice been a candidate for a seat on the bench of the supreme court—in 1868 against Byron Paine, and in 1891 against Silas U. Pinney. It is said in Reed's Bench and Bar that Judge Ellis' service on the circuit bench was eminently successful and satisfactory

to the people of his circuit and to the bar; that declining health and the meager compensation allowed for the service compelled his resignation. . . . His retirement from the bench was deeply regretted. The public service of Judge Ellis and his unimpeachable private character have won for him the confidence and respect of his fellow citizens of all parties.

GEORGE H. MEYERS.

George Henry Meyers, formerly judge of the tenth circuit, was born in Middleton, Delaware county, New York, October 24, 1824. In 1828 his family removed to Waterford, Pennsylvania, where he worked on the home farm until his twentieth year; the three following years he attended academies in Waterford and Erie; later he studied law and was admitted to the bar at Erie in May, 1849. During that year he came to Wisconsin and located in Appleton, being the first person to open a law office in what is now Outagamie county. In 1852 he was district attorney and later held that office for a full term. In 1861 he was elected county judge, and in 1865 resigned that office and entered the military service as adjutant of the fiftieth Wisconsin; after six months' service he resigned. From 1868 to 1876 he was postmaster of Appleton. In 1880 he was appointed judge of the tenth circuit to succeed Judge E. H. Ellis, and held that office until his death, which occurred August 1, 1891.

Politically, Mr. Meyers was a republican after the dissolution of the whig organization. His religious views were pronounced and he was a member and officer of the Methodist church. Prior to becoming circuit judge he had a good practice, and was regarded as a safe counsellor. He was a diligent student, spent much time with his books and gave careful consideration to matters presented to him. His powers as an advocate were not marked, nor was his apprehension very acute. His judicial career was not distinguished by anything peculiar. Bar and litigants felt unbounded confidence in the integrity of his purposes. There never was any suspicion that he insensibly looked out of the courtroom windows to see how the wind blew, or that he was influenced by any semi-conscious partiality. The uprightness of all his life forbade the

thought of any such conduct on his part. Judge Meyers' work was done with the sole view to the administration of justice between man and man and between man and the state.

JOHN GOODLAND.

John Goodland, present judge of the tenth circuit, was born at Taunton, Somersetshire, England, August 10, 1831. His father, William, was a merchant; his mother, Abigail Sherman, a farmer's daughter. John was educated in the boarding schools of his native land, finishing at Wellington academy in Wellington, Somerset. He came to America in 1849, and lived for a time in Oneida county, New York, where, in 1850, he married Caroline M. Clark, of Waterville. In 1854 he came to Wisconsin; for a time resided at Sharon, in Walworth county; was in the employ of the Chicago & Northwestern railway company from 1864 to 1874, first in the capacity of clerk in Chicago, and from 1867 to 1874 as agent at Appleton; resigned the latter position to take up the study of the law, which he pursued while engaged in other business. He was admitted to the bar at Appleton, after examination in open court, January 5, 1877; to the supreme court, March 8, 1877. In 1878 formed a partnership with Lyman E. Barnes, which continued about four years, and thereafter practiced alone until he became circuit judge.

Mr. Goodland has served the people among whom he has lived in the capacity of town clerk, town treasurer and justice of the peace. In 1879 he was clerk of the judiciary committee of the assembly, and from 1888 to 1891 was district attorney of Outagamie county. In August, 1891, he was appointed judge of the tenth circuit to fill the vacancy occasioned by the death of George H. Myers, and in April, 1892, was elected for the full term and re-elected in April, 1897.

Until 1872 Mr. Goodland was a republican in politics; since then he has been a democrat; was always a free trader. He was brought up in the church of England, but is not a member of any denomination. He had seven children, all grown. Mrs. Goodland died in October, 1893.

The career of Mr. Goodland is a marked instance of the fact that

industry and integrity are the keys which open the doors to public confidence and success.

THE BAR.

DAVID AGRY.

David Agry was born at Pittston, Kennebec county, Maine, August 2, 1794. He removed with his parents from Pittston to Hallowell in 1801. He was highly educated, having been graduated at Dartmouth college in 1815, and had fine literary taste. He studied law at Bangor, Maine, where he was admitted to the bar and practiced until he was about thirty years of age, when he removed to New Orleans, Louisiana. After spending some time there he opened an office at Shreveport, where he resided for a number of years. He subsequently returned north and located for a time in New York city. He was induced by the representatives of Jos. Rolette, a fur trader of Prairie du Chien, whose acquaintance he made in New York, to remove to Green Bay, where he arrived in September, 1840.

Here he resumed the practice of law, and continued it for many years. He was a lawyer of superior erudition and an assiduous reader of general literature, and his character for probity and integrity was above reproach.

In 1842 he was elected a member of the house of representatives from Brown county, and served during the years 1843 and 1844. He was elected, in 1846, a member of the convention which framed the first state constitution, and took an active and useful part in that work.

In 1850 he was elected judge of the county court of Brown county, which office he held until the time of his death, on the 30th of January, 1877, at the age of eighty-two and a half years.

CHARLES C. P. ARNDT.

Charles Coatsworth Pinckney Arndt was born on the 31st day of October, 1811, at Wilkesbarre, Luzerne county, Pennsylvania. While still in youth he came with his father's family to Michigan. In 1824 he removed with the family to Green Bay, where he continued to reside

until his death, except during the period spent in acquiring his collegiate education and in completing his professional studies.

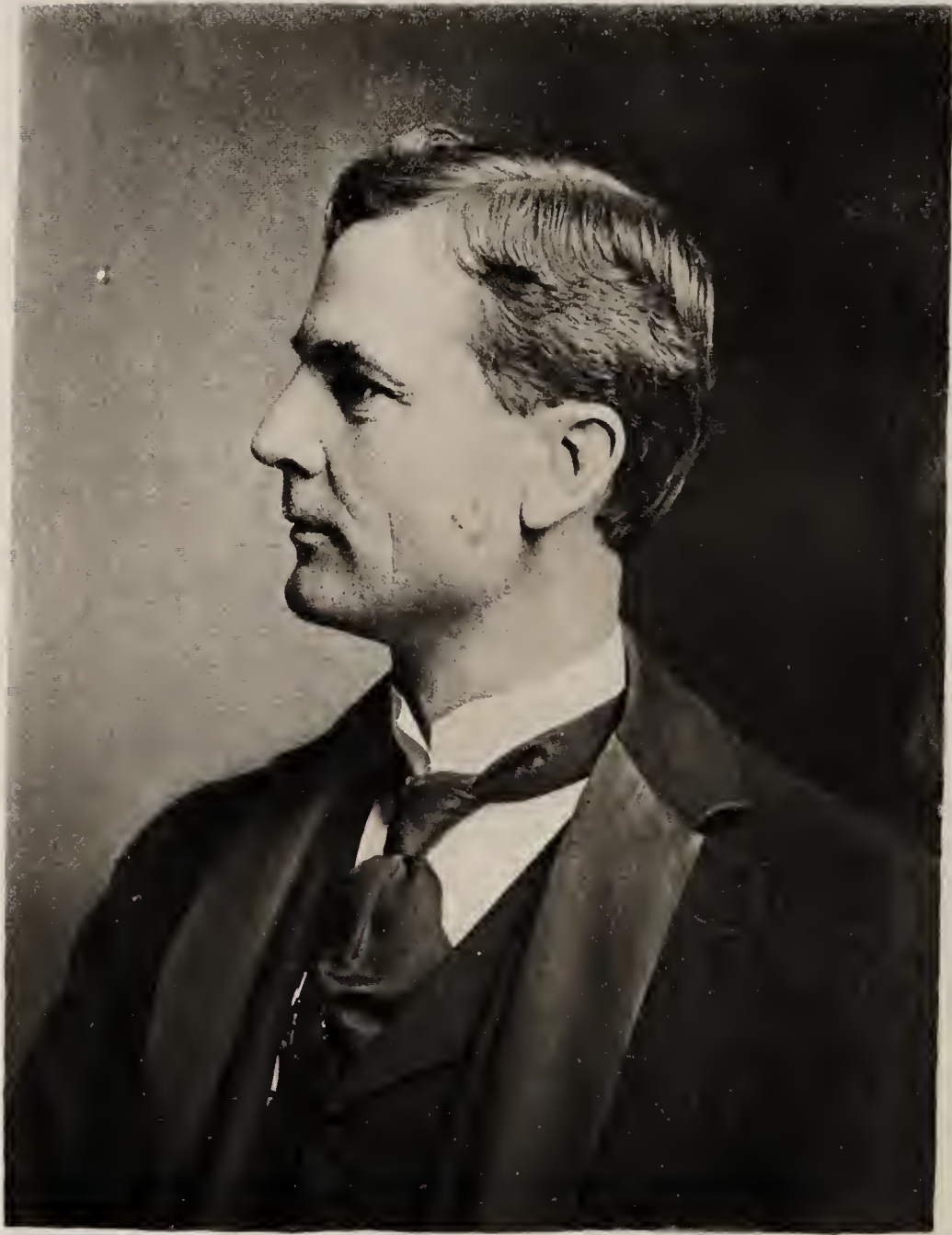
Having received a suitable preparatory education, he entered Rutgers's college, New Brunswick, N. J., from which he was graduated an A. B. in 1832, and where he subsequently received his Master's degree. He studied law with Joel Jones, of Easton, Pa., and was there admitted to the bar in April, 1835. Subsequently, during the same year, he returned to his home at Green Bay, where he was admitted to practice in the courts of the then territory of Michigan. During the next six or seven years, and until his tragic death, he continued to practice at that place, and was beginning to take a high standing at the bar, and bade fair, if his life had not been cut short, to attain distinction. In 1839 he was elected a member of the council in the second legislative assembly for the unexpired term (three years) of Alexander J. Irwin, and served at four sessions, one of which—in August, 1840—was a short extra session of only eleven days.

During this time—and indeed, previously, ever since the first election in 1836—James R. Vineyard had been a member of the same body. At the session of 1841-2, Gov. Doty had nominated, for the advice and consent of the council, one Enos S. Baker, for the office of sheriff of Grant county. Mr. Vineyard was opposed to his confirmation, and Mr. Arndt in favor of it. On the 11th of February, 1842, upon a motion to postpone for a few days the consideration of the nomination, a discussion ensued in which angry and offensive words were exchanged between the two, in the midst of which the council was adjourned, when they met in close proximity; threats of violence ensued, and the result was that Vineyard took from his pocket a pistol from which he instantly discharged a bullet, that went directly to the heart of Arndt, who immediately fell to the floor and expired at once without the utterance of a sound. This event naturally caused great excitement. Vineyard was soon after brought before Judge Dunn on habeas corpus to be admitted to bail; this motion was granted, and he was subsequently tried and acquitted on the ground that he had acted in self-defense.

HENRY S. BAIRD.

Mr. Baird was the first lawyer who settled within the limits of the present state of Wisconsin, and was the first attorney general of the territory, having been appointed to that office by Gov. Dodge in 1836. Mr. Baird was born in Dublin, Ireland, in 1800, and came to the United States with his father's family four years later. His general education was limited to such as the common schools afforded. In 1818 he began his legal education in the office of S. Douglas, a lawyer in Pittsburg, Pa. In the following year he removed to Cleveland, Ohio, and prepared for admission to the bar in the office of Reuben Wood, who served as a judge of the supreme court and governor of that state. In 1822 he removed to Mackinac and in June, 1823, was admitted as a member of the bar of Michigan courts by Judge Doty. He attended the first term of court held in Green Bay and also the first term held in Crawford county, in 1824. He married Elizabeth L. Fisher at Mackinaw during the same year, and took up his residence in Green Bay, where he continued to reside. In 1836 Mr. Baird was elected a member of the territorial council and was its president. December 8 of that year he was admitted to the bar of the supreme court, his name appearing first in the list of attorneys of the territorial court. Mr. Baird's service as attorney general continued until March, 1839. In 1846 he was elected a member of the constitutional convention. His committee assignments in that body included the chairmanship of the committee on the organization and officers of counties and towns and their powers and duties, and membership on the committee on the constitution and organization of the legislature. Of his services in the convention it has been said that they "were of a highly important character, and marked him as one of the most conspicuous among the very able members composing the body."* The work referred to says of Mr. Baird: "After the organization of the state he was for a long period kept in numerous public positions of local usefulness, but declined all solicitations to

*Fathers of Wisconsin, p. 38.



Lyman E. Barnes

embark in political life,† preferring the practice of his profession. His career throughout was marked by every quality of true manhood, uprightness of purpose and a faithful discharge of every duty, public and private. He died, full of years and honors, April 28, 1875, lamented by all who had known him."

In politics Mr. Baird was a whig until that organization disappeared, when he became a republican; he continued to be attached to the principles of that party. He was an active member of the Masonic organization. In 1862 or thereabout Mr. Baird retired from the active practice of the law and devoted himself to his other business interests, including the management of the Astor estate in and about Green Bay. He was survived by two daughters, Mrs. John A. Baker, of Green Bay, and Mrs. John Favill, of Madison.

LYMAN EDDY BARNES.

For many years Lyman E. Barnes has been considered one of the foremost attorneys of Wisconsin in the litigation growing out of riparian disagreements among lessees and owners of water powers on the Fox river. In such suits property rights are involved to the value of hundreds of thousands of dollars, and the questions at issue are of such moment that they are as a rule carried to the supreme courts of the state and of the United States. He has been identified with much of this important legal business, has been and is counsel for many of the leading corporations of the Fox River valley, and has been generally successful in the suits which he has undertaken. And the secret of his present standing is found in the estimate which he himself places upon the comparative value of legal qualifications.

"I do not believe much," he says, "in genius as applied to men of my profession. The only genius I recognize is the genius for hard work and attention to business. I believe that these are the elements that go to make up a good modern lawyer. Eloquence, as such, is worthless, unless a man has something to say about his case.

†In 1853 he was the whig candidate for governor.

He cannot say things of the first importance unless he has thoroughly studied and briefed his case—which means hard work.”

The above has been the platform upon which Mr. Barnes has based his professional conduct and his career has fully justified his principles. No detail is ever neglected, no stone left unturned, no work considered too laborious in the preparation and trial of a case intrusted to him. After the laying of such a foundation, if eloquence is necessary to further the suit it is of the most effective kind, based as it is upon the bedrock of facts and truth.

It may be that Mr. Barnes has inherited some of these views from a famous ancestry, since on his father's side he is descended from the Clays, the Bentons and the Harts, of Kentucky. It will be admitted, without contention, that no lawyers ever lived who based their eloquence more solidly on facts than Thomas A. Benton and Henry Clay.

Mr. Barnes' father, William W., was a lumberman and a native of Kentucky; his mother, Lucy Eddy Thomas, was born in Massachusetts. Samuel Fuller, one of her ancestors, was a pilgrim of the Mayflower. Both parents are now dead. At an early day they settled in the then wild lumber region of Wisconsin, where their son, Lyman E., was born in Waupaca county, on the 30th of June, 1855. The family afterwards removed to Oshkosh, where the latter's boyhood and early manhood were passed. After receiving a good education, both primary and in the higher branches, he commenced the study of law in the offices of Earl P. Finch and Finch & Barber, of that city, and completed the regular legal course at the Columbia college law school, New York, from which he was graduated in 1876.

Upon obtaining his diploma Mr. Barnes settled in Appleton to practice his profession. During the succeeding year he formed a partnership with John Goodland, now circuit judge, and the firm thus organized continued until 1882. He then removed to Rockledge, Florida, and practiced until 1886, when he returned to Appleton, where he has since continuously resided. As stated, Mr. Barnes has not only become a leader of broad reputation at the bar, but his abilities have been recognized by the public at large. In 1891-92 he was district attorney of Outagamie county, and as a prosecuting officer

his record is almost unique, in that, although he tried more cases than usually fall to such an official, he did not fail to convict in a single instance.

In the fall of the latter year (1892) Mr. Barnes was elected to Congress by the democracy and served one term with credit to himself and benefit to his constituents. As a member of the committee on rivers and harbors, his experience, his industry and his knowledge were also of especial value to his confreres at Washington.

But to return to the law—as Mr. Barnes has always done. Although his large and lucrative practice has been of a general nature, it has during the later years drifted into the channel of corporation law, and, as already intimated, more especially into litigation connected with riparian rights. He is retained as their counsel by many of the large corporations of the Fox River valley. He is the regular counsel for the Green Bay & Mississippi Canal Company, which is involved in a series of important litigations with the Kaukauna Water Power Company, some of which cases are still undecided and will be taken to the highest courts.

In the year 1880 Mr. Barnes was married to Helen B. Conkey, daughter of Col. Theodore Conkey, of Appleton. They have four children—Alice, Thomas Hart, Edward T. and Lyman E., Jr.

FRANK WILSON HARRIMAN.

Frank W. Harriman resides at Appleton and is a native of that city, where he was born on the 22d day of September, 1861. He was educated in the public schools of Appleton and was graduated from the high school at the age of sixteen; taught school for three years, serving as principal of the sixth ward school of Appleton in 1880 and 1881; studied law and was admitted to the bar in 1883; served as register in probate from 1882 to 1889, and as county judge from April, 1889, to January 1, 1890, and as postmaster of Appleton from 1891 to 1895. Mr. Harriman has always been an active republican, and has represented his party as a delegate to city, county, congressional and state conventions, and was an alternate delegate to the republican convention at Chicago in 1888 from his district. Judge Harriman

has a large clientage and devotes his time now exclusively to the practice of his profession, in which he is very successful.

On September 10, 1884, Mr. Harriman was united in marriage with Miss Matilda Waterhouse, and two bright little girls have blessed their union. Mrs. Harriman is a native of Wisconsin and a graduate of the Appleton high school, and was engaged in teaching in the public schools prior to her marriage. She is a member of the Congregational church and very active in church, social and literary work.

In addition to his work as a lawyer, Judge Harriman is at present performing the duties of the following positions: Secretary and treasurer of Appleton cemetery association, court commissioner of Outagamie county, clerk of school district No. 2 of the city of Appleton, trustee of First Congregational church and society, and trustee of Konemic Lodge, No. 47, I. O. O. F., of Appleton.

Frank W. Harriman is the oldest son of the late Judge Joseph E. Harriman, one of the early settlers at Appleton.

JOSEPH E. HARRIMAN.

The subject of this sketch was born at Louisville, St. Lawrence county, New York, August 16, 1834, and died at Appleton, Wisconsin, April 12, 1889. In May, 1852, he removed to Wisconsin, residing in Walworth county and attending Milton college until 1856, when he located at Appleton. He studied law with Jewett & Hudd at Appleton and the late Judge Cotton of Green Bay, Wis., and was admitted to the bar. In 1873 he was elected county judge of Outagamie county for a term of four years and re-elected in 1877, 1881 and 1885. In politics he was a republican, but was very liberal in his views and popular with the people, as is attested by his election repeatedly to offices of honor and trust in a strongly democratic community.

In 1860 he was married to Celia Pratt, of Milton, Wis., and was survived by her and four adult children, Frank W. Harriman, Fred E. Harriman, Florian J. Harriman and Mrs. Flora L. Jones.

Judge Joseph E. Harriman was a very active, public spirited citi-

zen, and much of the prosperity of Appleton is due to his early work and enterprise. It was through his energies that the beautiful "Riverside" cemetery at Appleton was located and embellished and he organized and constructed the electric street railway at Appleton, the first electric road in the northwest.

Judge Harriman's demise was mourned by the plain people as well as the bar and public at large, as he was very unostentatious in his manners and truly regarded as a friend to the masses.

THOMAS LYNCH.

Thomas Lynch was born in Granville, Milwaukee county, Wisconsin, November 21, 1844; was educated in the public schools; removed to Chilton in 1864, where he worked on a farm in summers and taught school in the winters from 1867 to 1871. During those years he was chairman of the town board and one year was chairman of the county board. In 1873 he was a member of the assembly, and in that year began to study law with J. E. McMullen, of Chilton; graduated from the college of law of the Wisconsin state university in 1875, and immediately began the practice with Mr. McMullen; their partnership relations continued until January, 1878, in which year Mr. Lynch was elected district attorney and re-elected in 1880. He served a second term in the assembly in 1883. In 1882 he moved to Antigo, Langlade county; in 1885 and 1888 he was mayor of Antigo; was elected to Congress in 1890 and again in 1892. Since the close of his congressional service Mr. Lynch has given close attention to his practice. For about a year before his death his health was somewhat impaired, but not to such an extent as prepared his friends for so early a death. He was removed May 4, 1898.

HENRY D. RYAN.

Henry D. Ryan was born October 7, 1837, at Fort Howard, Brown county, Wisconsin, where his boyhood was spent. He began the

printer's trade at Appleton (where he has since resided, with the exception of one year in Colorado "gold seeking") in 1853, serving as "devil," compositor and editor, interlarded with collegiate work of three years. Studied at law nearly four years; was admitted in 1867, and has ever since practiced as an attorney in all branches of the law. He has taken an interest in politics and has held various minor local offices.

CHAPTER XXVI.

THE ELEVENTH CIRCUIT, ITS JUDGES AND LAWYERS.

In 1864 the counties of Ashland, Burnett, Dallas, Polk, Douglas and La Pointe were constituted the eleventh judicial circuit. The first election for judge was held on the first Tuesday of May, 1864, and on the first of July the person elected entered upon the duties of his office. As it now is that circuit consists of the counties of Barron, Burnett, Chippewa, Douglas, Polk and Washburn. Its judges have been S. H. Clough, H. D. Barron, S. H. Clough, R. D. Marshall; the present judge is A. J. Vinje. A sketch of Judge Marshall is given in another chapter.

THE BENCH.

S. H. CLOUGH.

Solon H. Clough, the first judge of the eleventh circuit, was born in Madison county, New York, August 31, 1828; his education was obtained in the common schools, Fulton academy and Hamilton college, but one year being passed in the latter. About three years were employed in teaching in the south. In 1850 Mr. Clough returned to New York, and thereafter read law in Syracuse and Fulton. After admission to the bar he practiced his profession in Oswego county until 1857, when he left his native state and settled at Hudson, Wisconsin, where he formed a partnership with H. C. Baker, the veteran of the St. Croix county bar. In the course of time they obtained a large practice and established for themselves excellent reputations.

Some time previous to 1864 Mr. Clough removed to Polk county. In that year the eleventh circuit was created, and Mr. Clough was elected judge. He remained in Polk county five years and then removed to Superior. He was re-elected circuit judge and at the close of his second term returned to Hudson and became a member of

the law firm of Clough & Hayes. Subsequently Judge Clough returned to Superior and early in 1882 was appointed circuit judge to fill the vacancy caused by the death of Judge Barron. He was elected to that office and served until 1889.

Judge Clough's judicial record has established, beyond question, his character for impartiality, courtesy, patience and love of justice. He was not as expeditious as some judges in the transaction of business, but none surpassed him in firmness of purpose to do justice.

In politics Mr. Clough is a republican; in religious sentiment a Baptist. He married, at Fulton, New York, Miss Kate E. Taylor. To them three children have been born, two of whom are living.

HENRY D. BARRON.

Henry Danforth Barron was a native of New York, having been born in Wilton, Saratoga county, April 10, 1833. After obtaining such education as the common schools afforded he entered the law school at Ballston Spa, New York, and graduated therefrom. In 1851 he became a resident of Waukesha, Wisconsin, and conducted a newspaper there for some time; the paper was known as the "Waukesha Democrat" until its name was changed to the "Chronotype." In 1853 Mr. Barron was postmaster of Waukesha. In 1857 he removed to Pepin, Pepin county, and practiced law there until July, 1860, when he became, by appointment of Governor Randall, judge of the eighth circuit. His service in that capacity was brief—lasting only till the vacancy he was appointed to fill could be filled by an election. It does not appear that Judge Barron was voted for at the election. In a short time he removed to St. Croix Falls, Polk county. In 1862 he was unanimously elected a member of the assembly from the district comprising the counties of Ashland, Bayfield, Burnett, Barron, Douglas and Polk. He served as a member of the assembly in 1864, 1866, 1867, 1868, 1872 and 1873, and was the presiding officer of that body in 1866 and 1873. In 1868 and 1872 he was chosen one of the presidential electors at large on the republican ticket; from February, 1863, till his election as circuit judge in 1876, he was a regent of the state university. In March, 1869,

President Grant nominated Judge Barron for chief justice of the territory of Dakota, which office was declined. In April, 1869, the President appointed him fifth auditor of the treasury, and he discharged the duties of that office till January 1, 1872, when he resigned to take a seat in the assembly. In May, 1871, he was appointed by Governor Fairchild Wisconsin's trustee of the Antietam cemetery association. In 1874, 1875 and 1876 Mr. Barron was a member of the state senate, and president pro tem. of that body in 1876. In the spring of that year he was elected judge of the eleventh circuit, receiving 2,673 votes against 1,363 for W. F. Bailey and 960 for Solon H. Clough. He discharged his judicial duties until his last illness. His death occurred before the expiration of his term at St. Croix Falls, January 23, 1882; his remains were interred at Waukesha.

As a legislator Mr. Barron was prominent and influential especially in looking after local interests. His district embraced large areas of territory, which, during the years of his earlier legislative career, was being developed with great rapidity. He served on leading committees and was often heard in debate.

A. J. VINJE.

Aad John Vinje, of Superior, judge of the eleventh judicial circuit, was born November 10, 1857, at Voss, Norway. On his father's side he is descended from several generations of well-to-do Norwegian farmers, and on his mother's side from a family of influence and high standing, belonging to the Norwegian nobility while distinctions of this class existed in that country. His mother's maiden name was Ingeborg Klove, a lineal descendent of the bishop of Ulvick, who emigrated from Denmark to Norway in 1654. Judge Vinje's great-grandfather, Aad Klove, was a member of the constitutional convention held at Eidsvold in 1814, where the independence of Norway was declared, and a signer of the constitution there adopted. His grandfather, David Klove, was for several years an active member of the Norse storting, or congress, and throughout his life a man of prominence and wide influence in the county where he lived. Judge Vinje's father died from the effects of an accident in 1859, but in 1864 his mother re-

married and in 1869 the family emigrated from their home in Norway to Marshall county, Iowa, where they still reside.

From his earliest years young Vinje exhibited an aptitude for study and evinced qualities of mind that have become the dominant traits in the character of the mature man. The gentle blood and family traditions of the mother naturally inspired her with an ambition for the liberal education of her son, and her sympathetic intelligence early discovered the even, but unmistakable, marks of his ability. She is a warm admirer of the American school system, and gladly availed herself of the opportunities it afforded for the education of her children. Like many a man of higher fortune, Judge Vinje's greatest debt of gratitude is due to the intelligent guidance and self-denying zeal of a good mother, and the liberal opportunities of our public school system. To these twin sources he owes and cheerfully ascribes his progress and success.

During his residence in Norway young Vinje's training was meager, only such as could be obtained from irregular attendance at the rural schools of that country. On the arrival of the family in Iowa, he was sent to the common schools of Marshall county which he attended thenceforward until 1874, when he spent a term in the Iowa college at Grinnell. In 1875 he studied in the Northwestern university at Des Moines, Iowa, and spent the two following years teaching in the country schools of that state. In 1878 he entered the preparatory department of the university of Wisconsin, and continued his connection with that institution, although not regularly, until 1884, when he graduated from both the modern classical and scientific courses with high honors.

Judge Vinje's parents lost their property in the panic of 1873, which cast upon him the burden of defraying the expenses of his education. This he did mainly by teaching school and assisting in conducting teachers' institutes. His university career was a highly creditable one, and it was there that his studious habits, logical qualities of mind, and orderly methods of work became fully known to himself and attracted the attention of both students and faculty. His college course was marked by a singular evenness and uniform excellence of work.

While he was proficient in all branches required by the curriculum and did all his work well, his keenest interest was manifested and his greatest facility displayed in philosophy and the languages. In these subjects he was facile princeps, often bringing to the classroom valuable contributions from his original research. He was an active member of the natural history club, the mathematical society and the French conversation club, and is one of the few students who acquired a practical knowledge of the modern languages from academic study. He has a ready use of Norse, German and French, and is perhaps the only judge in the state who can follow the examination of a witness or interpret it, if need be, in four different languages. In addition he is a student of Latin, Anglo Saxon, and Italian.

After Judge Vinje's graduation in 1884 he was appointed assistant librarian of the state law library at Madison, which position he occupied until 1888. During this time he commenced the study of law, receiving his degree from the college of law of the university of Wisconsin in 1887. In this department he again exhibited the clearness of perception and easy mastery of principles which attracted the attention and won the admiration of his fellows in philosophy and the languages before. In 1888 he was appointed assistant supreme court reporter, a position which he filled until the spring of 1891 when he resigned to enter the practice of law. It was in this latter position that his studious habits, legal acumen and logical accuracy became known to the profession and especially to the judges of the supreme court who had supervision of his work. The reputation then acquired and the friendships formed were of material aid to him when his name was proposed as a candidate for the judge of the eleventh judicial circuit in 1895.

In 1891 Judge Vinje formed a partnership with L. S. Butler for the practice of law at Superior, Wisconsin. The partnership continued for four years when it was dissolved by mutual consent. In August, 1895, the office of judge of the eleventh judicial circuit became vacant by the promotion of Judge R. D. Marshall to the supreme bench of this state. In casting about for a successor A. J. Vinje was early suggested and unanimously recommended by the bar of Douglas county

and endorsed by the bar of Chippewa county, comprising the great body of lawyers of the circuit. During the same month he received his appointment as judge of the eleventh judicial circuit from Governor Upham, and immediately entered upon the duties of that office. The following spring he was elected for the remainder of the term by popular vote without opposition.

The appointment and subsequent election of Judge Vinje to the circuit bench was something of a departure from the established custom in the selection of circuit judges and began a new chapter in the judicial history of the state. Judge Vinje was not active at the bar, had very limited experience in actual practice and was little known to the people of the circuit. As a practitioner he lacked the partisan aggressiveness to impress the community in which he lived with an appreciation of his ability. He moved to Superior and began to practice law there while that city was yet new and at a time when "smartness" was at a premium and the quieter and more substantial qualities at a discount; but among the few who knew him intimately, and who prize brains before brass and count substance more than form, were found zealous advocates of his qualifications for judicial station. The bar was soon converted to this view, and the prompt appointment following owed little to political influence or the prestige of popular reputation, but is a striking illustration of natural selection in political life.

Judge Vinje's record on the bench is a complete justification of the wisdom of this method and of the confidence reposed in him by his friends. Suddenly called to perform the onerous duties of circuit judge, without practical experience in the profession and no time for preparation, he has met the requirements with the ease and mastery of a veteran. He has disposed of the business of a busy circuit with an accuracy and dispatch that generally requires long years of experience, and in such a manner as to secure the universal esteem of a critical bar and the commendation of the supreme court. It is his rare good fortune to have found his calling and to be in his element. Nature fashioned him for a judge. To a naturally clear and logical mind, retentive memory and studious habits he unites in a marked degree

the judicial temper. He is a good listener and has remarkable power of analysis. He is well grounded in the elements of law, has an accurate memory of cases, and an instinct for discovering the real issue in a controversy and divesting it of irrelevancies. In his rulings he is firm without obstinacy, and confident without conceit; his justice is tempered with mercy, and his honesty has no taint of the Pharisee. It has been said of him that "the forces of his mind act with military precision. He is by nature incapable of partisanship, and treats with equal consideration all members of the bar. His honesty and fairness command the respect of jury and litigants alike, while his ability, his unfailing courtesy and celerity in the dispatch of business renders practice in his court a pleasure."

Judge Vinje is a republican in politics and a Unitarian in religion. His personal habits are exemplary and in his social relations he is affable and kindly but dignified. In appearance he is somewhat above the medium size, of firm and compact physique, of agreeable presence and quiet but pleasing address. He was married to Alice Idell Miller, of Oregon, Wisconsin, in 1886, and they have an interesting family of three children—Arthur, David and Janet. Mrs. Vinje is active in social and charitable work, and deservedly popular on account of her beauty and charm of manner. They have a beautiful home fronting on Superior Bay in the city of Superior, abounding in the simple but substantial comforts that refined taste and moderate competence can bestow. Judge Vinje is a growing man and all conditions point to a career of honorable usefulness for him and of great happiness for his family.

THE BAR.

ELIAS CHAPMAN ALVORD.

Elias C. Alvord, of the firm of Alvord & Dillon, is a native of Pennsylvania, being born in Girard, Erie county, on the 1st of February, 1860. His father, Henry W. Alvord, was a soldier of the civil war and sacrificed his life for his country. Emily E., his mother, died in 1872, leaving the boy an orphan at the age of twelve years.

It was in Erie and Crawford counties in Pennsylvania that his early

years were chiefly passed, such farm work as naturally falls to youth, coupled with studies in the neighboring schools, occupying most of his time. Much of his preliminary education was obtained at the soldiers' orphan school, located at Mercer, and the higher courses were pursued at the state normal school (Edinboro) and Alleghany college (Meadville.)

Thus equipped, both physically and mentally, for the trying battle of life, Mr. Alvord decided to test his mettle in the west, where the rewards of merit were both plentiful and more prompt in their bestowal. He therefore removed to Watertown, South Dakota, a brisk and growing city, and commenced with avidity the task of mastering the principles of law. Admitted to practice his profession in August, 1888, he opened an office and continued to practice in that locality for three years. At the end of this period he formed a partnership with E. E. Van Liew, under the firm name of Van Liew & Alvord.

In March, 1892, however, he decided upon another change of location, selecting as the scene of his professional labors a section of the country permeated both with the vigor of the west and the culture of the east. Locating in the state of Wisconsin, at Washburn, he at first formed a partnership with A. M. Warden, the firm of Warden & Alvord being dissolved in the spring of 1894. From that time until the 1st of January, 1898, he practiced alone, when, with M. E. Dillon, of Ashland, he formed the firm of Alvord & Dillon, the latter attending to the business at the place above named and Mr. Alvord giving his attention to the legal affairs of the partnership at Washburn.

It is safe to say that there is no member of the bar of his age in this section of the state who has a more enviable reputation for ability and probity of character than Mr. Alvord. He has had marked success as a criminal lawyer and in the domain of municipal litigation. His standing in these specialties has been recognized by the public in his service as city attorney of Washburn, from April, 1892, to April, 1895, and as district attorney of Bayfield county for one term, commencing in 1894. In the latter capacity he successfully prosecuted a large number of criminal cases, the most important of which were the State vs. Flynn for the murder of William Sullivan and the State

vs. Probert, on a charge of embezzlement. Although not a politician in the narrow sense of the word, he is a firm republican and being a forcible advocate of the party's principles has much influence in the councils of that organization.

Mr. Alvord's wife, to whom he was married on September 2, 1885, was formerly Miss Miriam L. Moore.

JAMES M. BINGHAM.

James M. Bingham was born at Perry, Wyoming county, New York, February 3, 1828. Until his twentieth year he was on his father's farm; his educational advantages were such as the schools of the vicinity afforded, with the added privilege of attendance at an academy; at twenty he engaged in teaching, at the same time pursuing studies in Latin, Greek, French and mathematics corresponding with a college course; he also studied law at Leroy, New York, for two years. In 1853 he taught school near Detroit. Soon after that date he settled at Palmyra, Jefferson county, Wisconsin, where he completed his preparation for the admission to the bar, and where in 1856 he began to practice law. During his residence in Jefferson county he was four times elected a member of the assembly, serving in the sessions of 1863, 1864, 1869 and 1870, and was speaker during the last year. In 1864 he entered the military service as major of the fortieth Wisconsin. In 1870 Mr. Bingham removed to Chippewa Falls and formed a partnership with John J. Jenkins, which continued until 1876, when the latter accepted the position of United States attorney for Wyoming; thereafter the firm was Bingham & Pierce. After removing to Chippewa county Mr. Bingham was elected to the assembly, serving in the session of 1874; in 1877 he was elected lieutenant governor and re-elected in 1879. He also served as a member of the board of regents of the state university. For some months before his death, which occurred January 8, 1885, Mr. Bingham's health had been poor, and the end was, apparently, hastened by exposure during a fire in his home town.

As a lawyer Governor Bingham attained, by his ability and achievements, a good standing at the bar. It is said that after the death

of Chief Justice Ryan he was zealously urged by many attorneys for the place. Notwithstanding that he was but a private citizen at the time of his death, resolutions commendatory of his character and public services were adopted by the state senate January 21, 1885, after eulogistic addresses by Senators Ginty, Cottrill and Hudd.

CHARLES L. CATLIN.

Charles Leland Catlin, of the firm of Catlin, Butler & Lyons, of Superior, was born at Great Bend, Susquehanna county, Pennsylvania, February 26, 1842; educated in the common schools of Hudson, Wisconsin, the Montrose academy at Montrose, Pennsylvania, and the Wisconsin university, the time at the latter being brief; legal education obtained at Columbian college law school, Washington, D. C., having been graduated with the class of 1867, in which year he was admitted to the bar of the supreme court of the District of Columbia. After completing his law course Mr. Catlin acted during one winter as amanuensis for Caleb Cushing, and then returned to his native place and entered upon the practice of the law. In 1875 he returned to Wisconsin and devoted two years to looking after his father's interest in the estate of Richard Catlin, passing most of that time at Ripon. Next Mr. Catlin located at Hudson and went into the office of Baker & Spooner; later that firm became Baker, Spooner & Catlin. In 1881 the junior member removed to St. Paul and entered the legal department of the Chicago, St. Paul, Minneapolis & Omaha Railroad Co., as an assistant of Mr. Spooner, and remained there until the fall of 1884, when he removed to Superior and formed a partnership with Henry S. Butler, which subsequently became the firm mentioned in the first sentence of this sketch.

Mr. Catlin enlisted November 30, 1861, at eighteen years of age, in company D, second Wisconsin cavalry, and served until March 29, 1864. In politics he is a republican. He was president of the Bank of Commerce of Superior from its organization in 1888 until 1892, and since then has served as vice president and on the board of directors.

In politics Mr. Catlin is a republican. In religious matters he seems

to have been open to conviction. He was raised in the Presbyterian church, then affiliated with the Protestant Episcopal, and is now a Christian Scientist. He is a member of the Knights Templar and was the first eminent commander of the Knights of Superior. July 22, 1891, he married Mildred Harris Perry, daughter of George W. Perry, of Superior. They have one son—Dudley Brockway—born January 31, 1895.

THOMAS J. CONNOR.

Born at Newport, Columbia county, Wisconsin, March 16, 1859, Mr. Connor is a credit to his state and to the profession. He is the son of Thomas and Catherine Connor, his father being a native of Ireland who emigrated to Canada in his youth and thence to New York state and to Newport, Wisconsin. Settling in the locality last named in 1853, the father conducted a general store in the then pioneer days of the state.

The son, not content with the educational facilities afforded by the local schools, attended the public schools of Kilbourn City and St. John's college at Prairie du Chien. Graduating from the latter institution in 1878, he turned his attention to the study of law, entering the offices of Jonathan Bowman, of Kilbourn, and M. Griffin, of Eau Claire. After a three years' training as student and clerk, in 1881 he passed a creditable examination before Judge Bundy and was admitted to the practice of his profession.

Mr. Connor commenced his legal career at Arcadia, Trempealeau county, Wisconsin, with E. C. Higby, now of La Crosse, the partnership continuing for two years. He then moved to Bloomer, Chippewa county, remaining there for several years. In Chippewa Falls, his next residence, he practiced alone during the decade, from 1885 to 1895, when he formed the partnership with T. S. Leonard, which still continues.

Mr. Connor has engaged in general practice and has made a fine record for faithfulness and ability, and for energy, wisely directed. It may be said that there are few important cases which have been tried in this section of Wisconsin in which he has not had a leading part.

The public of his city and county have also called upon him to guard their interests, and such duties he has well performed. He was district attorney for two years, 1885-86, and city attorney in 1897, being called to office by the republican party, of which he has long been a leader. He is also prominent in the affairs of several secret orders, notably in those of the Elks and the Knights of Pythias (Eau Claire lodge).

WILLIAM DALTON DWYER.

William D. Dwyer, of the well known law firm, Ross, Dwyer & Hanitch, of West Superior, comes of pure Irish blood, his parents being natives of County Roscommon. They were married in 1844, and during the great emigration of 1848 came to America and settled at Liberty, New York. The father was a farmer and now, retired and respected, is peacefully passing his latter days upon the old homestead. He is over eighty years of age and enjoys the privilege, vouchsafed to few, of seeing his venerable wife (she is eighty-two years old) by his side as he draws toward the end of his long life journey.

It was at this place—Liberty, New York—that William D. Dwyer was born, on the 22d of September, 1859. He passed his boyhood upon the farm, attended the village schools of that place, as well as its normal institute, and afterward took a course at the state normal school at Albany. From this institution he graduated to Cornell university, finishing his classical course in 1879. Previous to thus grounding himself in the higher branches, he had read law in the office of George H. Carpenter, of Liberty; he also pursued his legal studies at the Albany law school and was admitted to practice in September, 1880, having but lately attained his majority.

Mr. Dwyer at once opened an office at Liberty, and was successful from the first. His experience, however, was an exception to the rule, practicing as he did with marked success in the locality where he was born, where he was known of all, and where his parents had resided for nearly forty years. In 1883 a most substantial and unusual evidence of his standing was presented to the community in his election to the office of special county judge of Sullivan county. He



W. D. Dwyer

was elected over his opponent by a large majority, being the youngest man ever chosen to that position and acceptably filling it for two years.

In 1885 Mr. Dwyer removed to Pierre, South Dakota, and after remaining there two years decided upon West Superior, Wisconsin, as a more promising professional field. In October, 1888, he formed a partnership with a new-comer also, Frank A. Ross, and under the names of Ross & Dwyer, Ross, Dwyer & Smith, Ross, Dwyer, Smith, Hanitch & Douglas, and Ross, Dwyer & Hanitch, Mr. Dwyer has constituted one of the permanent elements of strength which has given the firm such a high reputation in northern Wisconsin. The present firm name of Ross, Dwyer & Hanitch was brought about in the spring of 1893 by the retirement of George J. Douglas and the elevation of C. Smith to the bench. In his early professional days Mr. Dwyer was engaged in the defense of several important criminal cases, but for the last six years the time of the firm has been more occupied with the corporate affairs which have been entrusted to its care. Among others who have employed its services are the American Steel Barge Company, the Northwestern National Bank, the Superior Water, Light & Power Company, the Street Railway Company and the Northern Pacific Railway Company.

Mr. Dwyer's politics have always been democratic and from 1890 to 1894 he served as a member of the state central committee from the tenth congressional district of Wisconsin.

Mr. Dwyer's wife was formerly Miss Anna M. Mayer, of Milwaukee, to whom he was married November 27, 1890. They have a family of three children—Anna Irene, William D., Jr., and Thomas.

Mr. Dwyer's partners would hasten to say that the flattering success of the firm should be credited very largely to him. To what is this attributable? He is an easy, self-reliant, tireless worker. He is pre-eminently practical in his manner of looking at things. He is always frank, honest and self-disinterested in dealing with clients, devoted and everlastingly loyal to their interests. In the trial of causes he is most at home, ever reveling in "the rapture of the fight." Here he excels at every point from start to finish. Excelling in knowledge

of human nature, and practical in judgment as to what character of jurymen fits his side of the particular case, he gets an advantage in empaneling a jury. He arranges and brings out evidence clearly and adroitly. In cross-examination it is doubtful if he has a superior in the state, the unfair witness soon discovering that he would better be in perdition for the time being than where he is; and in "summing up" his forcible presentation of his side of the case, backed by his great personal magnetism, makes him a dreaded adversary. Quick sightedness, pluck and prompt adaptability to the situation insures disaster to the enemy wherever he makes the slightest "opening."

Mr. Dwyer is domestic in his tastes, and happy in his domestic relations.

As a citizen he is public spirited, and the natural foe of corruption and oppression in any form.

Were the element in his make-up that stands out with special prominence to be mentioned, it would be boundless generosity and loyalty to his friends.

Mr. Dwyer has faults. They are the faults of his race. On the other hand he has its virtues, and in a marked degree.

LOUIS HANITCH.*

That Mr. Hanitch inherits the best qualities of the German nationality is a truth which those who know him best are ready to admit. Although his educational advantages were not as broad as he might have chosen, his application and thoroughness have so enabled him to make the most of them that it is somewhat surprising to know that he has never enjoyed a complete university training. But he is one of that class of broad minded men who realize that one's education is a continuous life process, composed of about equal parts of experience, reading and thought. In fact, in the midst of the practical duties of his profession it is quite remarkable how he seizes the opportunities to keep abreast, as he does, of the literature of the day.

Mr. Hanitch's parents are both natives of Germany. His father, John Hanitch, a wholesale grocer, was born in Hesse Darmstadt. His mother, Mary E. Schilb, is a native of Rhemish Bavaria. Louis was



Louis Hanitch

born in Dayton, Ohio, on the 9th of October, 1863, and there, in the public schools, received his early education. For a number of years he also attended a private school and enjoyed a partial training at the Ohio state university, Columbus. Believing that the country farther west offered a better field for advancement, at the age of twenty (in 1883) he removed to Bismarck, North Dakota. Here he found the opportunity for which he had longed and entered the office of Flannery & Cooke to prosecute his legal studies.

Mr. Hanitch advanced rapidly in the mastery of his profession and was admitted to the bar in 1886. During a portion of the period of his residence in Bismarck he was partner with John E. Carland, now United States district judge of South Dakota. Until Judge Carland was called to assume his judicial duties he remained a member of the firm, after which Mr. Hanitch practiced alone. He participated in much of the important litigation of that section of the country, also holding the office of assistant attorney general during the term of Louis K. Church as governor of the territory and, later, being elected district attorney of Burleigh county.

Removing to the brisk city of Superior in 1891, his standing was at once recognized by his reception, during the succeeding year, into the strong firm of Ross, Dwyer & Smith. At the same time George J. Douglas joined the partnership, but during 1893 he retired and Mr. Smith was elevated to the bench. Thus the firm became Ross, Dwyer & Hanitch and has for several years been recognized as one of the strongest in northern Wisconsin. That this is not speaking without foundation is proven by the fact that it guards the important interests of such corporations as the American Steel Barge Company, the Superior Water, Light & Power Company, the Northwestern National Bank, and the Superior Street Railway Company.

Mr. Hanitch is the local attorney for the Northern Pacific Railway Company. He is a director of the Commercial Club and a trustee of the First Presbyterian church. Furthermore he is a Mason—in a word, a live, earnest, able lawyer and citizen.

Studious and domestic in his tastes, his life is rounded by the elevating influences of a refined home. To his wife, formerly Miss Eliza-

beth Farquhar, of Los Angeles, California, he was married in the year 1890. They have two children—Mary and Katherine.

HIRAM HAYES.

This veteran of the bar of northwestern Wisconsin was born in the town of Industry, Maine, May 24, 1832. His father's name was Jacob, and his mother's Ruth. The family settled in that region about 1816, and was of English stock. They were farmers. Hard work, plain living, and high thinking were the heritage of the youth of that section. Mr. Hayes was educated in the common schools, at Farmington academy and Bowdoin college. Industry and thrift enabled him to complete his course. He graduated from Bowdoin in the class of 1851; at that time Gen. O. O. Howard, William P. Frye, Melville W. Fuller, now chief justice of the United States supreme court, were students there. Mr. Hayes studied law with Robert Goodenow, of Farmington, and in 1856 was admitted to the bar at Superior, Wisconsin, to which place he went a year or so before. That year he formed a partnership with Michael S. Bright, formerly an Indiana lawyer, who stood high in his profession and in public estimation. In 1860 he went to New York city and Mr. Hayes went to Washington and secured the clerkship of a senate committee of which Jefferson Davis and others well up in secession were members. Later he served in clerical positions in the interior and treasury departments.

In the fall of 1862 he was appointed by President Lincoln captain and assistant quartermaster; he went into the military service with the army of the Potomac. In May, 1863, he was assigned to duty with Gen. Howard's command, next with Gibbon's command; following this he became chief quartermaster of the eleventh army corps, and then of the fourth corps, with the rank of lieutenant colonel. He was in the battles of Chancellorsville and Gettysburg, in the Atlanta campaign, at Franklin and Nashville, and in many minor engagements.

In the spring of 1866 Col. Hayes returned to Superior, and, with sundry intervals of time excepted, has continued to reside there. He has been a prominent figure in the development of that city; indeed,

has been foremost in much that has been done to develop and sustain it. He has prospered with it, and has suffered in fortune as its prosperity has lagged. His extensive business interests have engaged so large a part of his time that it has been necessary for him to withdraw from the active practice of the law. To some branches of the law, as taxation, special assessments, real property and corporations, he has given continued attention.

Politically, Col. Hayes is a republican. The family attend the Episcopal church, of which Mrs. Hayes is a member. Her maiden name was Mary E. Newton, and was exchanged for that she now bears November 29, 1860. Their only son, Frank, is a graduate of the Massachusetts institute of technology, and is in business as a master mechanic at Superior.

Col. Hayes is a member of the Greek letter college society of Delta Kappa Epsilon, the Loyal Legion and the Grand Army of the Republic.

JOHN J. JENKINS.

John J. Jenkins was born in Weymouth, England, August 20, 1843, settled in Baraboo, Wisconsin, in June, 1852, attended the common schools there a few terms, and also studied law and was admitted to the bar in that place. He served during the civil war as a member of company A, sixth Wisconsin; was clerk of the Sauk county circuit court from 1867 to 1870, when he resigned and removed to Chippewa Falls, where he has since resided and practiced law, having for partners at different times the late James M. Bingham, W. R. Hoyt, R. D. Marshall, and his brother W. W. Jenkins, lately deceased. Since changing his residence Mr. Jenkins has served the public as city clerk and city attorney of Chippewa Falls, as member of assembly (1872) and county judge. In 1876 he was appointed by President Grant United States attorney for the territory of Wyoming. In 1894 he was elected a member of Congress, re-elected in 1896, and in 1898 was nominated for a third term.

Mr. Jenkins has had large experience as a lawyer and been successful in building up and retaining his business. In public office he has been diligent and faithful.

WALTER WARREN JENKINS.

Mr. Jenkins, formerly of the Chippewa county bar, was a son of Major Francis K. Jenkins and Mary M. Jenkins, who came to America from Weymouth, England, in 1853, and settled in Sauk county, Wisconsin. The father was a gallant soldier during the civil war, being a member of the 6th Wisconsin, forming part of the Iron Brigade, with the rank of captain and brevet rank of major. The oldest brother of Walter W. is John J. Jenkins, member of Congress from the 10th district. The subject of this sketch was born October 10, 1864, at Baraboo, Wisconsin, and moved to Chippewa Falls, Wisconsin, in 1878; graduated from the Chippewa Falls high school June 8, 1883, and the college of law, university of Wisconsin, June, 1887. He was admitted to practice the profession of law by the supreme court of Wisconsin immediately after his graduation at the law school and commenced practice with Marshall & Jenkins at Chippewa Falls. In January, 1889, he formed a partnership with his brother, John J., the firm being Jenkins & Jenkins, which continued till the death of Walter W., which occurred on the 9th day of April, 1898.

Mr. Jenkins, while not having the advantage of a full university course, was a well educated man, he having supplemented his high school course and university law course by years of careful study and self-culture. He loved to dwell in an intellectual atmosphere, be surrounded by his books and to spend his time in intellectual improvement, particularly in the line of his profession and in the field of economics, history and English literature. As a lawyer, from his first entering the profession, he was exceptionally active, industrious and successful, and had, at the time of his death, a large clientage, especially among business men.

GEORGE PERRY KNOWLES.

George P. Knowles has been engaged in active practice at the bar of Wisconsin for over thirty-five years, and during all that time he has so conducted himself, in both business and private life, as to merit



Geo P. Kuroko.

the confidence and esteem of those with whom he has been brought into contact. He was born in Sullivan, Madison county, New York, September 17, 1840. His father, James Knowles, a native of Troy, New York, was a member of an old New England family, members of which participated in the colonial and revolutionary wars. The forebears of the mother of George P. Knowles, whose name previous to her marriage was Elizabeth Duygert, were from Holland. They were among those early settlers of the New Netherlands whose descendants have become a force in the control of "enterprises of great pith and moment" in the fields of finance, transportation and politics.

Reared upon a farm until fourteen years of age, during which time he attended the district school, the foundation for his physical strength and elementary education was laid at the same time. In 1854 he entered the seminary at Cazenovia, and a year later became a student at the Yates polytechnic institute at Chittenango, New York. Instead of taking a complete college course, he determined to devote his time and attention to the study of the law, and for that purpose he entered the office of D. D. Walrath, of Chittenango, New York. During part of the time, however, he taught school. He was admitted to the bar at a general term of the supreme court of New York held at Binghamton in 1861, and in the fall of that year began the active practice of his profession in Tunkhannock, Pennsylvania, where he succeeded to the business of his brother-in-law, A. K. Peckham, who had just been elected judge of the district court of Pennsylvania.

Believing that the west offered more and better opportunities for the success of a young man, Mr. Knowles determined to seek a field for his labor in that section. In the spring of 1863 he left Pennsylvania and came to Fond du Lac, Wisconsin, where he entered the office of I. K. Talmadge and began his career as a member of the Wisconsin bar. Shortly thereafter a partnership, which continued for many years, was formed with David Babcock, and later Mr. Knowles became associated with Edward Phelps. In 1890 he determined to locate in West Superior, Wisconsin, and upon his arrival there formed the partnership of Knowles, Graham & Wilson. A year later Dickinson & Buchanan joined the firm, which then became known as

Knowles, Dickinson, Graham, Buchanan & Wilson. In 1895 Mr. Buchanan retired and returned to Chippewa Falls, Wisconsin, and March 1, 1897, Messrs. Dickinson & Graham withdrew, leaving the present firm of Knowles & Wilson.

The records of the supreme court show that Mr. Knowles has been engaged in the trial of many cases involving large interests and some of them important questions of law. In all branches of his profession, whether before judge or jury, in courts of last resort or as counsel in his office, he conducts his business with equal skill.

Politically Mr. Knowles is not affiliated with any party. He has never been an aggressive partisan in any sense, and with the exception of one term as district attorney for Fond du Lac county, he has never held any elective office. He is associated with the Masonic fraternity, as a member of both the chapter and commandery.

Mr. Knowles was married December 14, 1876, to Katherine M. French of Fond du Lac. They have one son, Edwin C. F. Knowles. Mr. Knowles is a member of the Episcopal church.

MYRON REED.

Myron Reed was born at Massena, St. Lawrence county, New York, September 19, 1836, his parents being Heman L. and Sophia Reed. He was educated at Union academy, Belleville, Jefferson county, New York, and commenced the study of law in the office of D. D. Mott, Massena, in 1856, and afterwards attended the law school at Albany in 1857 and 1858, and was admitted to the bar of the supreme court of New York in 1858 after passing the requisite examination therefor. In the spring of 1859 he came to Waupaca, Wisconsin, and commenced practice in company with M. H. Sessions with whom he continued for about five years. A few years after coming to Waupaca he was married to Miss Julia Hampson, a woman whose graciousness and intelligence have added not a little to the success of her husband. From 1880 to 1885 he was associated with George Lines, and in 1889 came to Superior where for several years he was connected with H. H. Grace and A. T. Rock in the practice

of his profession, but is at present in partnership with his son, J. M. Reed, under the firm name of Reed & Reed.

Mr. Reed, though averse to holding office, has always manifested an interest in politics, being one of the most reliable and faithful democrats in northern Wisconsin. At one time he served as district attorney of Waupaca county, having been appointed to that position by Gov. Fairchild to fill a vacancy. He was state senator in 1871 and 1872, being elected over his partner, M. H. Sessions, and served upon the judiciary and other important committees. To him belongs the credit of securing the passage of the constitutional amendment restricting local legislation. He was mayor of the city of Waupaca, and several times a member of the board of supervisors of that county. To his influence, skill and management Waupaca county is indebted for the fine courthouse which it now has. He has ever been deeply interested in Masonry, and for a great many years was master of the lodge at Waupaca, and for two terms, in 1888 and 1889, was grand master of that order in Wisconsin. He has been identified with several public and private enterprises in his part of the state, all of which have prospered. He was appointed United States alternate commissioner for the World's Columbian Exposition at Chicago in 1892. He served as city attorney of the city of Superior in 1895, the year of its greatest financial distress, and had much to do with settling a large number of important questions concerning its welfare and conducting a large amount of important litigation. He has filled many positions of public trust and confidence, and has never been charged with being recreant to any. He is a member of the American bar association, and has for several years been a member of the executive committee of the state bar association.

Professionally Mr. Reed always has the respect of the court and his brethren of the bar. He is not a natural advocate; has not the quickness of perception, the elasticity of action, the brilliancy of oratory and personal magnetism to excel in this phase of professional service. His strength is before the court, and in the consultation room. In the latter place his intelligence, sound sense and courtesy impress every lawyer who is so fortunate as to be associated with him. There

is perhaps no member of the bar in his circuit that is his equal in business habits. Promptness, accuracy, system, mark everything he touches. He would have excelled as a business man. His name has been mentioned for the supreme bench. He has the judicial tone and temper. Though never having held a judicial position, people call him "Judge" as matter of course—judge by brevet. In this era of "catch as catch can" Judge Reed maintains that professional dignity, that chivalry of the bar that so adorned the aristocracy of the legal "cloth" in his early manhood.

On his social side the judge is one of the most charming of men, and the generous hospitality of his home is remarked and remembered by all who are so happy as to breathe its atmosphere. He is an old time patrician gentleman, clothed with "that chastity of honor which feels a stain like a wound."

FRANK A. ROSS.

In more respects than appears upon the surface is the saying true that agriculture is at the basis of American prosperity. Not only does the material wealth of the country find its root in the soil, but its intellectual and professional strength is largely drawn from those whose early days have been passed in agricultural pursuits, or whose ancestry have been trained in the healthful conflicts with nature.

Mr. Ross' parents were of the industrious, intelligent, hardworking agricultural class of Pennsylvania, his father, George N. Ross, being a native of Susquehanna county, and his mother, Sarah A. Hyatt, of Erie county. Before the railway systems had penetrated as far west as Illinois (in 1845) they left the fertile, but confining, valleys of the Keystone state for the broad prairies of Illinois, making their home in Grundy county. Here Mr. Ross engaged in farming for about four years before being seized with the gold fever which especially raged throughout the country in 1849-50. It was during the latter year that he was swept across the plains to California; but being one of the many whom fortune did not favor, he returned to the Illinois homestead in 1853 and bravely resumed the occupation for which he was fitted.



Frank A. Ross,

Frank A. Ross was born in Grundy county, on the 24th of March, 1856; during the following year his parents removed to Pierce county, in Wisconsin. Here he led the uneventful but invigorating life of the farmer's boy, working in the summer and attending the district school in the winter. But the intellectual outstripped the physical health, ambition asserted itself, and the boy, as he approached manhood, aspired to enter the professional field. Whatever he endeavored to do he did with his might, so that, after taking a course of studies with White & Smith and J. S. White, of Prescott, he passed a most creditable examination before Judge Bundy and the examining committee, and was admitted to the bar, at that place, December 13, 1879.

Mr. Ross at once assumed the responsibilities of his profession and was successful from the first, his business being materially increased by the departure for the west of his former preceptor, J. S. White, to whose practice he succeeded. He remained in Prescott until March 17, 1887, when he removed to his present residence, West Superior.

Mr. Ross practiced alone until October, 1888, when he formed a partnership with W. D. Dwyer. Under the firm name of Ross & Dwyer it continued until 1890, when C. Smith, now judge of the superior court of Douglas county, became a third partner. Two years thereafter Louis Hanitch and George J. Douglas were received into the firm, but during the spring of 1893 Mr. Smith was elevated to the bench and Mr. Douglas soon after retired. At the present time the partnership is styled Ross, Dwyer & Hanitch, and it represents some of the heaviest interests in this portion of the state—such as the Northern Pacific Railway Company, the Superior Water, Light & Power Company, the Superior Street Railway Company, the Northwestern National Bank, the American Steel Barge Company, etc., etc.

Besides the extensive law business which Mr. Ross has conducted, both independently and as a firm member, he has been influential in the politics of the republican party. From January 1, 1881, to January 1, 1887, he served as district attorney of Pierce county and performed the duties of his position with his usual faithfulness and ability.

Outside of his profession his life is purely domestic. He has a

family of four children—Leslie Garfield, Myrtle Paulina, Wayne McVeagh and Mildred Sarah. To his first wife, Henrietta Viroqua Newell, he was married December 19, 1878. She died October 17, 1894, and he was married a second time to a sister of his first wife, Carrie Blanche Newell, on the 18th of June, 1896.

On March 8, 1898, he was appointed by Governor Scofield a member of the state board of normal school regents for the term of three years.

LYCURGUS J. RUSK.

Lycurgus James Rusk was born in Morgan county, Ohio, March 13, 1851. Of the career of his father, Jeremiah M. Rusk, soldier and statesman, all readers of history have knowledge. Lycurgus was brought by his parents to Viroqua, Wisconsin, in 1852. There the child grew to manhood. He attended district school at Viroqua and then entered the university of Wisconsin, from which he was graduated in 1870. He then began the study of law and in the fall of 1870 entered Harvard law school. In June, 1871, he left the law school and entered the "government survey" as deputy United States surveyor and for four summers he was engaged in running township lines in North Dakota and South Dakota. During the winters he continued to study law, most of the time in the office of Cameron & Losey, in La Crosse. He was admitted to the bar in 1873, before Romanzo Bunn, then a judge of the Wisconsin circuit court. In 1875 he discontinued surveying and entered the office of Cameron & Losey as a clerk. In 1876 he began the practice of law in the office of Judge Hugh Cameron. In the fall of that year he opened an office in Viroqua as the senior member of the firm of Rusk & Vinje. T. J. Vinje, his partner, died in 1879, and the firm of Rusk & Wyman was organized and continued until May 1, 1885. Mr. Rusk then located at Chippewa Falls where he has since practiced his profession and in addition has become actively interested in manufacturing establishments and financial institutions. From January, 1882, to May, 1885, he acted as private secretary to Governor Rusk and as military secretary of the national guards of the state with title and rank of colonel. At that time the national guard formed a small, undisci-



C. Smith

plined body. He always took a deep interest in the organization and did much to improve it. In 1885 Mr. Rusk became a member of the state board of examiners of applicants for admission to the bar and was elected secretary of the board. He has been continuously reappointed since then and in April, 1897, was elected president of the board. Politically he is a republican, but with the exception of two terms as city attorney of Chippewa Falls has held no elective office.

Created a Mason in 1875, he has passed through the various degrees up to and including the 32d degree of Scottish Rites. He was married in 1877 to Ada M. Robson, of Evansville, Wisconsin. She died in 1889, leaving three daughters, Ethel M., now Mrs. E. O. Beach of Milwaukee, Minnie and Alice.

CHARLES SMITH.

Judge Smith is a native of New Hampshire, born of old Puritan stock. He completed two years of the classical course at Wesleyan university, Middletown, Conn. He thereupon came to Wisconsin. His father's name was Robert Smith, his mother's, Hannah Marston Smith.

He studied law with J. S. White, of Prescott, Pierce county, and was admitted to the bar in 1869. For a time he was in partnership with Mr. White, later with Mr. Wellington Vannatta, at River Falls. He was also at one time in partnership with Frank L. Gilson (later judge of the superior court of Milwaukee) and N. P. Haugen. In 1890 he removed to Superior and became associated with Messrs. Frank A. Ross and W. D. Dwyer.

Judge Smith's health was impaired when at school, and this substantially interfered with his progress and development in the earlier years of his practice. He was forced to favor himself in trials, not being physically able to hold himself at the high tension essential to the highest efficiency. In forensic eloquence, nevertheless, he frequently rose to a plane rarely reached. This was specially remarked when his addresses to the jury in important cases followed immediately upon the close of the evidence, and he was compelled to speak impromptu. He would then be often almost resistless. He says of himself that any

preparation of an address to the jury was fatal to his highest success. His thoughts would lack the freshness, fire and force that those had conceived in the warmth of the argument. Absolute fairness and magnanimity in dealing with an opponent was his crowning grace. A member of the bar who had many times sat on the opposite side of the table with him in trials often remarked that at any point in the progress of a cause he would as soon leave it with Mr. Smith to decide as arbitrator as with anyone else. He never resorted to dilatory motions but invariably went straight to the merits of the case. He always had the confidence of the court in a marked degree, the respect and friendship of the brothers of the bar, and usually the verdict of the jury. Not strong as a case lawyer, he has always been an enthusiastic student of the principles of the common law.

Upon the establishment of the superior court of Douglas county, in 1893, Mr. Smith was almost unanimously nominated at a meeting of the Douglas county bar for the first judge of the court, and at the election in April was overwhelmingly elected. The same intelligence, courtesy, kindness, sincerity and intuitive conception of what is just, that characterized him at the bar, adorn him on the bench. He has made some innovations in the administration of justice, the most marked being his method of dealing with criminals. He believes that the majority of men that are brought to justice fall through weakness rather than wickedness. The penniless and friendless find a friend and guardian in Judge Smith when brought before him for trial and punishment. They find that their forlorn condition pleads as powerfully with him for consideration and mercy as can the friends of the influential culprit. He has deep conviction that reformation of the criminal should be regarded as a very important, if not a predominant, element in punishment, and never fails to impress upon the offender that laws and their penalties are necessary to the preservation of society. He then passes sentence, and no man leaves the courtroom for the cell without feeling that he has been in the hands of a judge that inflicts punishment in the spirit of the Christian religion. He realizes that his punishment is just, a necessity. The law and its administration appear to him in a new light. The judge makes it a rule to have a private interview with every

man before he goes to prison, in which he gives him such encouragement as is possible, when they part lasting friends.

Judicially Judge Smith has grown with the years, and is ranked among the excellent trial judges of the state. He is a good judge of character, and seldom imposed upon.

Judge Smith was re-elected in the spring of 1898. It was understood that he was intensely opposed to a partisan judiciary, and that he would stand for re-election only as a non-partisan candidate. This encouraged others, who were ambitious of the position, to avail themselves of the methods and machinery of "practical politics," and Judge Smith found himself in the field with both a republican and a democratic candidate pitted against him. He is by nature and principle non-combatant, but when occasion forces him to fight he rises to the heroic. Here, backed by the cream of the bar, he took the stump, and went at politicians and their machinery *vi et armis*. His opponents appealed to the voters to stand by the party nominees, and also charged him with being "old-womanish," as they termed it, in his dealing with criminals. He promptly picked up the gauntlet, and in a series of speeches rarely equaled for bravery and brilliancy, he carried everything by storm, and got nearly as many votes as both partisan candidates combined.

It should be said of him, however, that as a judge he sometimes shows nervousness on the bench, and he says of himself that he falls below the ideal in self-poise, as well as too hastily reaches a conclusion at times.

In politics he is independent republican.

He is married, and very happy in his domestic relations.

Socially he is the best of companions, and convivial to the last degree. He enjoys a good joke or story, and in repartee is seldom excelled. He wears no official robes on or off the bench. Anything savoring of "pomp and circumstance" is abhorrent to him.

In private he is known as one of the most generous, humane, philanthropic and magnanimous of men. "He does good deeds as others commit crimes, by stealth." Naturally refined and religious, he has by

right reading and right living been brought in touch with all the finer shades of ethics.

He is a member of no church, but an unwavering believer in, and lover of, Jesus as the Anointed of God. Technicalities in religion and in law are equally distasteful to Judge Smith.

WILLIAM H. STAFFORD.

There is perhaps no state in the northwest to which more natives of the Pine Tree state have migrated than Wisconsin. The reason for this is undoubtedly the fact that Wisconsin—especially the northern part—is essentially a repetition of the state of Maine in its physical features, its industries and the character of its people. The sons of Maine feel at home in northern Wisconsin and, as a rule, when they go there, they remain and prosper.

An illustration in point is found in the personality of William H. Stafford, a native of Orono, Maine, where he was born on the 19th of March, 1855. His parents, Richard T. and Margaret (Field) Stafford, were also natives of that state, the former being a lumberman and a farmer. The son, William, worked with his father in these dual lines, besides laboring hard to secure the rudiments of his education. But he persevered, as in all else, and when the family removed to Wisconsin, 1872, he had made such advancement in his studies that he was adjudged competent to teach.

The first location of the family in Wisconsin was at Staffordville, two years afterward a removal being made to Chippewa Falls. After the removal of the family to Chippewa county Mr. Stafford worked at manual labor, attended school and taught school until he commenced the study of law in the office of Governor J. M. Bingham, Chippewa Falls; was admitted to the bar at that place in 1879 and has since practiced his profession. His father removed to California in 1890 and remained seven years, but returned to Chippewa Falls and died November 4, 1897. His mother still lives.

Soon after his admission to the bar, in 1879, he spent a few months in Montana, but returned to permanently locate in Chippewa Falls. He opened an office there alone in 1880, and during the following year

entered into a partnership with John J. Jenkins. This continued a short time, when Mr. Stafford was elected county judge, serving for two terms, or eight years. For a few years he was also a partner of T. J. Connor, but the balance of his career he has been an independent practitioner. Possessed of a practical knowledge of the country and its industries, there are few members of the bar in northwestern Wisconsin who have more firmly and justly secured the confidence of the people and enjoy a larger or more profitable clientage.

Mr. Stafford is a democrat, being a member of the state central committee from the tenth district. He has served three years as town clerk of La Fayette (in the vicinity of Chippewa Falls); as city attorney of Chippewa Falls for two terms, and as mayor of the city in 1893. During the following year he was tendered the position of assistant United States district attorney for the western district of Wisconsin, but declined the honor.

Mr. Stafford is a Mason of the thirty-second degree; a member of Chippewa Falls Lodge No. 176, Chippewa Falls Chapter No. 46, and Tancreed Commandery No. 27, also of Chippewa Falls.

Mr. Stafford has been twice married, his first wife being Miss Etta Hopkins, of Chippewa Falls, to whom he was united in marriage in 1885, and who died three years thereafter. In 1890 he was married again to Fannie H. Shields, of Oshkosh. The five children which have been born to him are all living—William T., John S., Lyman R., Harold E. and Howard L.

JOHN P. WALL.

Mr. Wall is a native of the Old Bay state, being born in the year 1851. His parents, Edward and Mary (Hines) Wall, were natives of Ireland, and came to the United States in 1850. They settled in Massachusetts, where they have continuously resided, the father being long known as a contractor, builder and woolen manufacturer.

The early years of our subject were passed in Worcester, Massachusetts, where he received much of his education in the Monson academy and the college of the Holy Cross, of that city. Afterward he commenced his law studies under Ashmun, Chapman, Leonard & Wells,

of Springfield, Massachusetts. The senior member of the firm has the distinction of having nominated Lincoln for President the first time. The training which Mr. Wall received was thorough and calculated to bring out his latent strength.

It was here, where he had received his preliminary legal education, that he was admitted to the bar (1871) and at Springfield he commenced the practice of his profession. During a portion of the succeeding nine years Mr. Wall was alone, and a portion of the period was in partnership with Mr. Slattery. In 1880 he came to Chippewa Falls and entered the office of J. J. Jenkins, where he remained three years, previous to his appointment as postmaster at Cadott, a town several miles east of Chippewa Falls. His appointment to that position by President Cleveland dates from 1883, and in 1886 he was elected district attorney of Chippewa county, and resumed the active practice of his profession. He held the latter office for two years and twice thereafter he received the unanimous nomination to the same position. As the democratic party, with which he is prominently identified, was, however, in the minority, he obtained that honor without the election. Mr. Wall was also city attorney for one term, and has served as court commissioner for more than fifteen years.

From the very first he has been self-reliant, industrious and able, which is a sufficient accounting for his pronounced success. He left home when but thirteen years of age, and certainly that was not for him an unlucky number, since from that time he has made his way in the world as one who relies solely on his own strength of mind and will for personal advancement. The result is that he has been generally recognized both as a strong man and as a successful lawyer. He has also been a leader in the affairs of such secret orders as the Knights of Honor, having served for three years as a state official.

Mr. Wall's wife, before marriage, was Miss Sarah Harrity. There are six children in the family—Mary, Eugenia, William, Edward, Frances and John T.

CHAPTER XXVII.

THE TWELFTH CIRCUIT, ITS JUDGES AND LAWYERS.

In 1870 the counties of Rock and Green were detached from the first judicial circuit, and the county of Jefferson was detached from the ninth judicial circuit, and these counties constituted the twelfth circuit. The first judge was elected in April, 1870, and his term of office began January 1, 1871. The first judge was Harmon S. Conger, who served until his death, October 22, 1882.

THE BENCH.

HARMON S. CONGER.

A committee of the Rock county bar association, consisting of John R. Bennett, S. J. Todd and B. B. Eldredge, reported resolutions commemorative of Judge Conger, in which it was said "that on his death the bar of Rock county had lost one of the ablest, most industrious and honorable of its members; the state of Wisconsin, one of its most useful and eminent citizens; and the people of the twelfth judicial circuit, a judge who, in his entire judicial career of over [nearly] twelve years, has been so just, so full of equity, so noble, notable and incorrupt in his high office 'that envy itself could not accuse or malice vitiate.'" That association also appointed a committee, consisting of I. C. Sloan, S. J. Todd and B. B. Eldredge, to prepare and report a memorial address. January 2, 1883, that committee reported such address to the circuit court for Rock county, Judge John R. Bennett presiding. The address said: "Judge Conger was born April 9, 1816, in the town of Freeport, Cortland county, New York. His father was a farmer. The early years of his life, until he approached manhood, were, so far as we can learn, uneventful, but were so similar, in the course of life which he pursued and in the training which he received, to that of so many hundreds of young men who have acquired distinction in public life and in the pro-

fession of the law in this country, that it is well worth the attention of thoughtful minds to inquire whether it was not the best training that a young man could receive, to fit him for a life of usefulness and honor. Until he reached the age of seventeen years he worked upon his father's farm in the summer, and attended the common school of the neighborhood, in which only the elementary branches of an education were taught, in the winter. At the age of seventeen he entered upon a course of study at the Cortland village academy, which he pursued until he was nineteen years of age, when he commenced the study of law in the office of Horatio Ballard, a prominent lawyer practicing at Cortland. In 1840, feeling a deep interest in the exciting presidential contest between General Harrison and Martin Van Buren, then engrossing the attention of the people of this country, he purchased the Cortland County Whig, a weekly newspaper, which he continued to edit for the five following years, conducting it with energy and ability in advocating the measures and principles of the whig party, but at the same time continuing the study of the law, as he was fully determined to make the practice of that profession the main business of his life.

"Judge Conger, having passed an excellent examination, was admitted to the bar in 1844, and commenced the practice of his profession at Cortland. He possessed the respect and confidence of the people among whom he resided in so high a degree that he had already been called upon to discharge responsible public duties. He had been elected treasurer of Cortland county several years before, and he had been successively re-elected until, in 1845, he declined further service in that office. He was, however, destined to remain a private citizen but for a short period of time. In 1846 he was put in nomination by the whig party of the district in which he resided as a candidate for representative in Congress, and was elected to that office. During his first term he discharged his duties as a member of Congress with such fidelity and ability that, in 1848, he was again nominated and re-elected. Although he was but thirty years of age when first elected to Congress the record which he made as a member of the national legislature is one in which his family, his friends, and all who are interested in a pure administration of government may well take a great pride. As might

have been expected of him, he spoke in strong condemnation of frauds at elections, and was a steady and unswerving opponent of all unfounded and fraudulent claims against the government and of every species of corruption in office. All his impulses were in favor of freedom and of the best interests of the people in enacting national laws, and his best judgment coincided with his impulses. When the bill for the organization of a government in the territory of Oregon was before Congress, he strongly advocated the exclusion of slavery therefrom. And when the famous compromise measures were being agitated on the floor of the house of representatives he denied the right of Congress to make any compacts or agreements by which the cause of human slavery was to be extended into new territory. He was a zealous advocate of cheap postage both on letters and newspapers. His probity and sterling integrity of character were proof against every temptation to betray the interests of the people, or to pander to political corruption. No cleaner or purer congressional record than his has ever been made.

"At the close of his second congressional term, in 1851, he retired from political life and devoted himself assiduously to the practice of his profession at Cortland, until 1855, when he removed to Janesville, Rock county, where he continued the practice of law until he was elected judge of this judicial circuit in 1870, to which office he was re-elected without opposition in 1876, and he may be said almost literally to have died in the discharge of his judicial duties. Although he had been in failing health for a year or two, he was not disabled from performing the duties of his office, and was stricken down with his fatal sickness while holding the September term of the Jefferson county circuit court, and came home only to die. He never again left his house, and scarcely his bed, until he died on the 22d day of October, 1882.

"Such, may it please the court, is the brief and meager outline of a highly useful and honorable life. When we look into his character for the purpose of discovering those qualities which so commanded the respect and confidence of his fellow-men, and carried him onward in his successful career, we find they were of the most substantial and solid kind. He was a man of strong will and firm purpose. There was

no frivolity or vacillation in his character. He pressed forward to the accomplishment of all objects which he thought worthy and within the sphere of his duty with an unfaltering determination. No obstacles deterred, no difficulties discouraged him. He was a hard student and pursued the study and practice of his profession with laborious and unremitting industry. As the result, his mind was stored with the solid and accurate learning of his profession. Whilst in its processes his mind moved somewhat slowly, but with the methodical and untiring industry which it was the habit of his life to bring to the investigation of legal questions and legal principles, it moved surely to the accomplishment of the highest objects of the true lawyer's labors and ambition—the accurate knowledge and elucidation of those principles which have raised the law into a science and have made it a safeguard and protection to the highest human interests, life, liberty and property. He was a quiet, unassuming man. There were no elements of noisy self-assertion or of arrogant assumption of knowledge which he did not possess, in his character. He derived no aid from the showy and fascinating gifts of popular oratory. He had little imagination and his manner and style in public speaking were without ornament, and would have been considered dry and uninteresting but for the learning and weight of argument which characterized his forensic efforts. He moved steadily onward with a firm purpose and persistent determination, gaining and keeping the respect and confidence of all who were brought within the sphere of his action. During the period of nearly twelve years in which he occupied the bench as presiding judge of this judicial circuit, he held the scales of justice with a firm and impartial hand. No member of our profession, no person within the limits of the district can say, and we do not believe that there are any who think, that his judicial action during that long period was ever swayed by any unworthy or improper motive. The judicial mantle that has fallen from his dying shoulders and now rests upon your shoulders, sir, received no spot or stain while he wore it. He discharged his judicial duties so impartially, so ably, bringing to them so much of sound judgment and accurate knowledge of the law in all its varied and complicated branches, that it may well be an object worthy of any man's highest ambition, who occupies a seat

upon the judicial bench in any of the courts of this state, to imitate and rival the example which he has left us.

“As a man there was much popular misconception of his character. He was naturally grave and dignified, without frivolity of manner or conversation. Many who were not well acquainted with him thought him cold, and mistook a natural reserve for sourness or austerity of temper. No mistake could be greater. He was naturally a man of strong sympathies and tender nature. He appeared to be, and perhaps was, at times, somewhat irritable, and during the later years, when that trying and painful disease which terminated his life had somewhat affected his nervous system, may have sometimes appeared somewhat peevish and unreasonable. Of folly, and of ignorance of the principles and proper methods of practice of the law, he was always intolerant and impatient, but this was superficial. No truer or more tender heart than that of Harmon S. Conger ever beat within the breast of man. No man living would go further in generous or uncalculating kindness in the service of a friend than he. He was the soul of truth and honor. He despised all falsehood, chicanery and fraud. He was, in all relations of life, faithful and true. To his intimate acquaintances and friends he was genial and social, and none who knew him well can fail to grieve deeply for his death, or cease, while memory holds, to respect and honor his memory.”

Judge Bennett said: “I must fully and heartily concur in everything that has been so truthfully, appropriately, and with such discrimination and eloquence said in the address of Mr. Sloan. I have known Judge Conger from the time he became a citizen of the county, but far more intimately during the last six years of his life; and the more intimately I knew him the more I learned to respect and admire his manly characteristics and sturdy virtues. It is the uniform testimony of all who knew him that he was an upright man and a just judge. The upright man is naturally opposed to fraud, the truthful man to falsehood, the just man to oppression, and the pure minded man to all manner of evil and iniquity. As a consequence all frauds, deceptions and vicious practices met a determined, though just, opponent in the late Judge Conger. He was a lawyer of great learning in his chosen profession, and of re-

markable industry. I learned this as soon as I met him at the bar in the trial of cases. I never knew him to come into court without being thoroughly prepared for trial. . . . When, by the almost unanimous choice of the people of this judicial circuit, he was called to the bench, the same industry, learning and ability and uprightness of character which he manifested as a lawyer were equally marked in his entire career as a judge. . . .”

The resolutions, memorial and Judge Bennett's response were presented to the supreme court by Mr. Eldredge, and the response thereto was made by Mr. Justice Lyon. Some extracts therefrom follow: “During the five years I had the honor of presiding in the circuit courts of the counties then comprised in the first circuit, he practiced largely in those courts, and I came to know him very intimately. My estimate of his ability as a lawyer and his worth as a citizen, which was high from the first, constantly increased during those years of intimate intercourse with him.

“His mental processes were not rapid, but any deficiency in this particular was more than supplied by his constant and untiring industry. Indeed his industry was marvelous—almost unprecedented. His investigations of legal questions were most thorough and exhaustive. He seldom assumed the truth of a proposition without ample verification. He would not build an argument or base an opinion upon what most of us might recognize as a settled rule of law, until he had consulted books of established authority and found the rule there stated. In such cautious, painstaking way he framed all his arguments. So he always came to the trial of his causes with as complete preparation as it was in his power to make. The same qualities were conspicuous during his judicial career.

“Judge Conger possessed a strong intellect. When, in his cautious, laborious way, he had framed an argument, it always contained abundant intrinsic evidence that it was the production of a powerful mind. In it would be found no dodging, no equivocation, no conscious fallacy of argument, but every known adverse view of the law of his case would be equally and squarely met and answered.

“He was also a man of strong convictions, and was conservative in

his opinions. He was slow to abandon an opinion once deliberately formed. This quality of his mind made him exceedingly loyal to the jurisprudence of his native state, in which he was first educated. He was very learned therein. It was difficult for him to recognize the fact that different conditions in this, the state of his adoption, required a different jurisprudence to some extent, and it disquieted him to witness the laying aside of any rule of law which prevailed in New York. Yet, although so firm in his views and opinions, he was too able a lawyer and too good a judge to adhere to them in the face of adverse authority. Hence, however strongly he may have disapproved any rule of law enacted by the legislature or affirmed by the court of last resort, when satisfied that the rule was established he accepted it and acted upon it, although sometimes under vigorous protest. . . .

"Judge Conger was pre-eminently an honest man—thoroughly, radically honest in every fiber of his nature. This high quality—so essential to true manhood—was so conspicuous in all his conduct and relations, whether private, professional or judicial, that we never heard his integrity assailed or doubted. In this respect he was in no peril of being misapprehended. So, also, the most casual observer could not fail to see and appreciate his great intellectual strength and his profound knowledge of the law.

"But in some other aspects of his character he was not always understood aright. To one not well acquainted with him, he appeared reserved and distant—almost austere and unapproachable. Owing, in part, to a defect of vision, and in part, no doubt, to a habit of mental absorption, he would often pass those whom he well knew without recognition. When particularly absorbed in his work he would sometimes manifest a testy and curt demeanor to those who chanced to interrupt him. Thus he unconsciously confirmed many who saw him only under those unfavorable circumstances, in such estimate of his character. That opinion of him was, however, utterly erroneous. Those of us whose good fortune it was to meet him in his home and in social life, and to know him as he was when the burden of professional and judicial labor and anxiety had been laid aside, knew full well that at heart he was one of the most affable, the gentlest, and most tender of

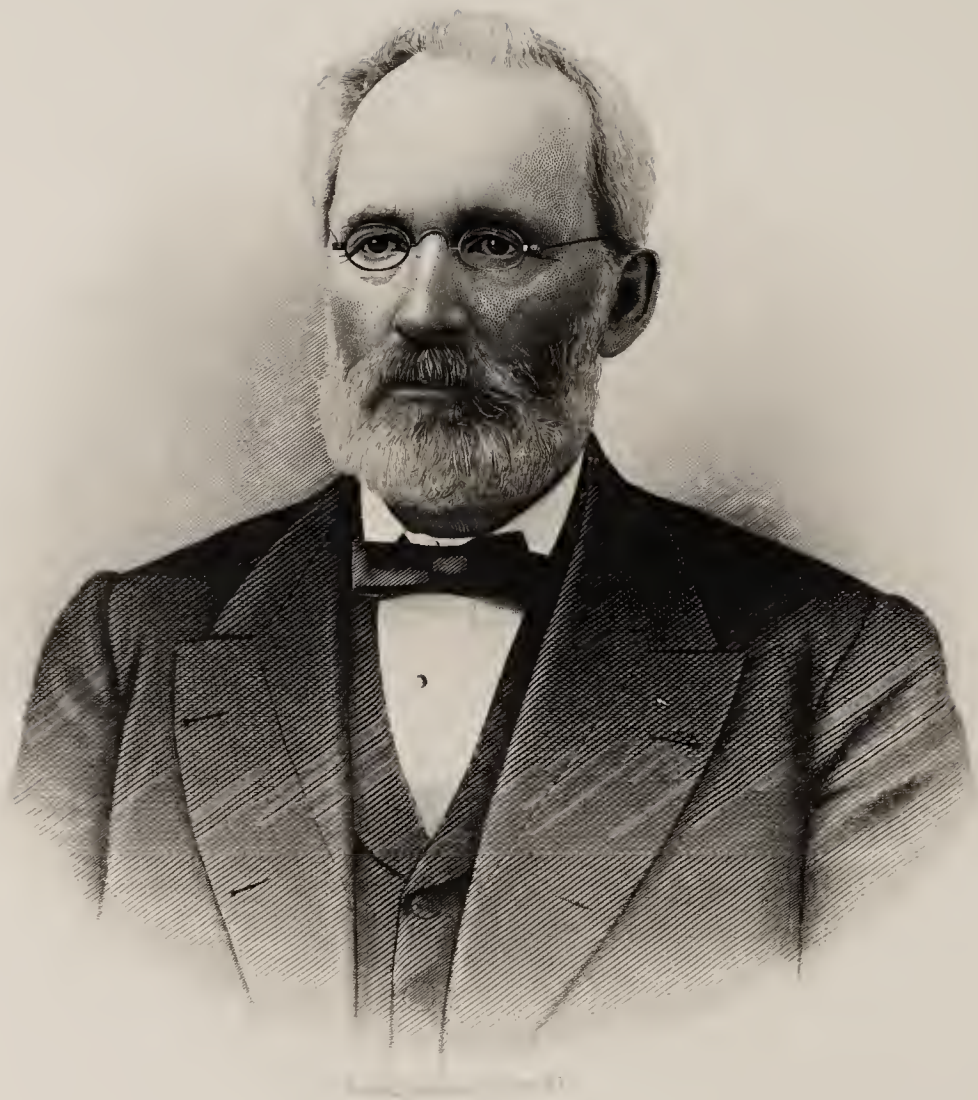
men. He had read much and judiciously, had traveled much, and had a wide and varied personal experience. In conversation he drew freely from those rich fountains, and delighted and charmed all listeners.

"To one who had seen him only in his office or in court, engaged with business affairs, and who knew only the cold, austere man, it was indeed a revelation to meet him in those hours of relaxation, and witness how gracefully and completely he yielded to the sweet influences 'of the better angels of our nature'—how genial and tender, how entertaining and instructive he was. And this was so free from any sacrifice of true manly dignity that there seemed no discrepancy or discord in his different moods and the different manifestations of his character. Reserve and cordiality, sternness and gentleness, coldness and tenderness, intellect and heart seemed in him to blend in one harmonious whole—forming in union a grand symmetrical and most attractive character.

"We all have gazed upon some lofty mountain, which, to our distant view, seemed rugged and inaccessible. We were awed by its grandeur and majesty. We approach nearer, and behold! clear perennial streams gush from beneath the rocks and meander quietly down its sides. Paths, easily traversed, reach to the very summit. Cool shades invite to repose. And, deeply indented in its base, between projecting cliffs, lie peaceful vales covered with verdure and flowers. The scene is no longer one of grandeur and majesty alone, but of the most enchanting beauty as well.

"Thus do we find in one of the grandest aspects of nature a fitting emblem and symbol of the character of our lamented friend.

"It was the mournful privilege of all the members of this court to attend the funeral of Judge Conger. With a great multitude of his neighbors and friends who revered and loved him, we followed his lifeless form to its last resting place. As we stood by his open grave there fell upon our ears the sad, sad words, prophetic of the inexorable doom of us all: 'Earth to earth, ashes to ashes, dust to dust!' and we felt that to these might be added the divine benediction, radiant with the promise of immortality: 'Blessed are the pure in heart; for they shall see God!' "



John R. Bennett

JOHN R. BENNETT.

It is a well attested maxim that the greatness of a state lies not in its machinery of government, not even in its institutions, but in the sterling qualities of its individual citizens, in their capacity for high and unselfish effort and their devotion to the public good. Among those who are justly entitled to be enrolled among the makers of the great commonwealth of Wisconsin is Judge John R. Bennett, whose fifty years' residence in the state has left its impress upon the commonwealth and nation. Although born in New York and surrounded by all the attractions which that charming and picturesque region affords in its hills and valleys and beautiful lakes, he saw the great possibilities of the west, and as a consequence left his home within six months after he was admitted to the bar, on May 8, 1848, with only sufficient money to take him to his place of destination—Janesville, Wisconsin.

From the beginning he occupied a place among the leaders of the Rock county bar, and has since been a peer of the brightest and ablest in the profession. He possessed no rich inheritance or influential friends to aid and assist him in establishing himself in business, but he was filled with high hopes and laudable ambitions to succeed. His life has been one of ceaseless toil and labor, and his success has been commensurate with his labors.

Judge Bennett's ancestors were Puritans, who, in 1668, made their appearance in Connecticut, and from that day to this the family history is illustrated with bright examples in all walks of life. His father, Daniel Bennett, who was born at Stonington, Connecticut, February 16, 1793, was a soldier in the war of 1812, and participated in the battle of Lundy's Lane which, considering the number engaged, was one of the severest ever fought on this continent. He was a patriotic, gallant soldier. He was wounded at the battle of Lake Erie and lost the sight of his right eye. His mother, Deborah Leeds Bennett, nee Spicer, was a granddaughter of Gideon Leeds, of Leeds, England, and was born at Groton, Connecticut, April 15, 1792.

The father and mother of Judge Bennett lived in the rural com-

munity of Rodman, Jefferson county, New York, where, on the first day of November, 1820, the subject of this sketch was born.

Western New York was then almost an unbroken wilderness, there being but few settlers between his birthplace and Buffalo. His early years were spent in assisting his father in clearing the land and in other work on the farm. He attended the country school and attained proficiency in the common branches.

In the fall of 1839 he became a student in the Black River literary and religious institute, of Watertown, New York, where he fitted himself for the profession of teaching, in which he engaged at intervals until April, 1844, in connection with his attendance at the institute. At the date named he entered upon a course of law studies under the preceptorship of W. W. Wager, of Brownville, Jefferson county, New York, which continued for a period of six months. In April, 1845, Mr. Bennett commenced reading law in the office of Dyre N. Burnham, of Sackett's Harbor, New York, and pursued his studies with that gentleman until May 8, 1848, when he was admitted to practice in the courts of that state, at Oswego, New York.

Soon after his admission to the bar he came west and settled at Janesville, Wisconsin, arriving October 13, 1848, and from that time until elected to the bench, in April, 1882, he zealously pursued his profession, and his efforts were rewarded with success.

He was re-elected in April, 1888. In 1862 he was elected district attorney for Rock county, and served until 1867, distinguishing his administration of that office by the energy and ability with which he conducted the legal business of the county. Without being a candidate, he was nominated by the republican state convention, 1875, for the office of attorney general of the state, but he was defeated with the balance of the ticket.

Judge Bennett has been a staunch republican and a faithful adherent of the principles governing the party since its organization. In 1860 he was a delegate to the national convention which nominated Abraham Lincoln, and looks back upon those stirring times with considerable interest. In April, 1894, he was a candidate for re-election as judge of the twelfth judicial circuit and was re-elected, by a majority of over

2,000, to the bench which he had graced with so much ability, honesty and industry for nearly twelve years. As a lawyer Judge Bennett has practiced in all courts of the state and federal courts and has shown an ability which has placed his name with such men as Carpenter, Whiton, Knowlton, Noggle and Jordan. His business in the supreme court of the state became so extensive that, it is said, no volume of the Wisconsin reports was issued while he was in practice that did not connect his name with some important cases.

On November 28, 1844, Judge Bennett was united in marriage, at Hounsfield, Jefferson county, New York, to Miss Elsie L. Holloway, daughter of Charles Holloway, Esq. She departed this life May 28, 1893, universally beloved and mourned. Her sweet and gentle influence has left an impress upon the life of her husband which time cannot efface. The following is the tribute to her memory, offered by the members of the Rock county bar association, and is taken from the record given at the time in a local newspaper:

“There was an air of unusual solemnity at the opening of the circuit court this morning. Members of the Rock county bar association were present in large numbers, and when Judge A. Scott Sloan, of Beaver Dam, took his seat as presiding judge, there was profound silence. B. B. Eldredge had been assigned the duty of presenting to the court the memorial of the Rock county bar on the death of Mrs. John R. Bennett. He stepped forward and with manifest emotion addressed the court. After brief introductory remarks he presented these resolutions:

“‘May it please Your Honor: The Rock county bar association, being notified of the death of the wife of the judge of this court, Mrs. Elsie L. Bennett, attended the funeral in a body, and commissioned us, its committee, to prepare a statement commemorative of the deceased, and appropriate resolutions, and move this court to make such resolutions and statement subjects of record thereof—an enduring testimonial to the memory and worth of the departed.

“‘Elsie L. Bennett, deceased at her home in this city, May 28, 1893. She was the daughter of Charles and Chloe Holloway, whose maiden name was Woodruff, and was born at Hounsfield, in the county of Jef-

person and state of New York, January 23, 1822. On the 28th of November, 1844, she was married to John R. Bennett, now the judge of the twelfth judicial circuit court of the state of Wisconsin. In the year 1848, with her husband, she became a resident of Janesville, in the state of Wisconsin, then a comparatively new settlement, where she has ever since resided, and where her "sweet and gentle influence" rendered her coming a blessing, not only in her home and to the immediate family circle of which she till her death has been the acknowledged center and guide, but to all who have had the good fortune to know her. She was the true Christian, imbued by nature with love, faith, hope and charity, wherewith she conquered, and led the way in the proper and pleasant paths of life. These qualities not only afforded us pleasant glimpses of happy domesticity, but shone out brightly in her contact with the world at large and impressed all with her supreme worth in the fulfillment of her mission of virtue, morality, mercy and charity.

"Though abounding always in love, faith and good works, Mrs. Bennett was also endowed by nature, cultivated by study and reflection, with highly discriminating qualities of mind, and was quick to detect and with mercy demolish fraud and imposition, and commend and reward virtue. For nearly fifty years of married life she was the safe and judicious adviser, counsellor and guide, in temporal as well as spiritual matters, of her noble husband, who in God's providence has been left to mourn her departure hence, in death, as in life, to lead him in the pleasant paths leading to that celestial home prepared "from the foundation of the world."

"Resolved, That in the death of Mrs. Elsie L. Bennett, the Rock county bar association is called to deplore the loss of the beloved wife of the honored judge of the twelfth judicial circuit court of the state of Wisconsin, and to unite in expressing our individual appreciation of her many virtues and good works and deep-felt respect for her memory.

"Resolved, That we, as individual members of said association, cherishing for her memory a profound admiration and affection, proffer to her bereaved husband and daughters our sincere sympathy and condolence in this their supreme affliction.

"Resolved, That these proceedings, as a testimonial to her worth be made matter of record in the circuit court for Rock county, and

that certified copies be, by the clerk of this court, directed to the other courts of this judicial circuit.

“ ‘Resolved, That the chairman of this association and the clerk of this court be a committee to communicate these proceedings and the condolence of this bar to the husband and daughters of the deceased.

“ ‘Resolved, That these proceedings and resolutions be published in the several papers of this city.

B. B. ELDREDGE,	} Committee.’
JOHN WINANS,	
A. A. JACKSON,	

“ ‘Are there any remarks to be made on these resolutions?’ asked Judge Sloan, as Mr. Eldredge finished reading. William Ruger arose and spoke as follows:

“ ‘May it please the court, brethren of the bench and bar: When a mortal life journeying so near our own pathways ends in the sleep and rest of death, it is fitting that we should pause to express our tribute of respect, and our sympathy with those who remain to mourn. I say remain to mourn, but on this occasion it is a most comforting reflection that those so referred to do not mourn as for an everlasting separation. They are not faithless, hopeless waiters for such end to come to them. We know that our honored presiding judge will wait and continue his life’s journey, comforted by the blessed hope, founded on well assured faith, that the painful parting that now afflicts him is but temporal, soon to be followed by a reunion which shall be eternal. We cannot in weak impromptu words fittingly express either our tribute of respect for the beloved one at rest or our sympathy with our honored judge and those of his household in their hour of trial. For this I must rely upon the more appropriate and deliberate expression made by the memorial which has been presented. I heartily second the motion that such memorial be entered on record for an enduring testimonial of our tribute of respect and our sympathy.’

“William Smith followed Mr. Ruger, speaking as follows:

“ ‘May it please the court: I have been thinking, while listening to the resolutions and remarks of members of the bar, that human language had failed to keep up, in the march of time, with the other developments of the human race. Surely, what is best in us, what best

marks the progress of our race, is its love, tenderness and sympathy; and in that respect it occurs to me that human language has failed, in its development, to express the development of our race upon its best side. Perhaps it is better that it should be so. Some things—the greatest, the deepest and the grandest—are expressed by silence. The oak in its grandeur; the ocean when placid and mild; the river as it flows gently to the sea, perhaps in their silence best express their greatness and grandeur. And when we come to occasions of this kind perhaps it is well that our language fails us. But it is well that we can realize that that which is best within us is awakened; that the sympathy, the kindred and fraternal feeling of those associated together in the work of perfecting the science of the law, join together and go out to the honored judge of this circuit in this great hour of trial, suffering and pain.’

“ ‘If there are no further remarks to be made on this occasion,’ said Judge Sloan, ‘we will close these proceedings. Before doing so, I feel that I ought to say a word or two at this time. Having myself but recently passed through the same sorrowful circumstances I feel, as has been intimated by Brother Smith, that language fails to express the thoughts that naturally arise upon an occasion of this kind. Judge Bennett, after a married experience of half a century, has been called upon in the order of Providence to part with the companion of his life, and he must now take up the burden of life’s duties in great sorrow and affliction. At such a time we older men appreciate more sensibly than can the younger members of the bar the circumstances of sorrow and affliction which surround such an event. Ambition, earthly hopes, position and wealth, at such times, sink into insignificance; and all there is left, so far as human agencies are concerned, is the kindness and sympathy of our friends and acquaintances. And while Judge Bennett will go on with his duties, discharging them in the future as he has in the past, with great ability, with fearless honesty and impartiality, he will rely mainly upon the tender memories surrounding his home life and upon the sympathy and kindness of his friends, and especially the members of the bar. It will brighten his labors, diminish his sorrow, to receive the expressions of the sympathy, kindness and affection of

the members of the bar. The resolutions and proceedings will be entered upon the minutes of the court, and the clerk will transmit a copy to the members of the family of the deceased.' "

Judge Bennett had during his entire life consistently refused political preferment, though the entire community desired to bestow upon him such honors as were within its gifts. When he was requested to become a candidate for Congress, he declined in favor of his partner, I. C. Sloan, who was elected. This illustrates forcibly the modesty and unselfish nature of the man.

He has, for more than a decade, been one of the hardest-working judges in the country, and the general sentiment of the bar toward him is that of unqualified respect as an upright, conscientious and pains-taking judge. In his charges to juries he is guided solely by the facts in evidence and the law applicable to them. His decisions are stated in perspicuous and simple language, without any ornament of style, and in such a manner as not to be misunderstood. They are always terse and concise, and embody the exact words necessary to express clearly and unmistakably his meaning.

His transaction of public business has received the highest praise, and he has won the distinction of being not only a most learned and accomplished jurist but a most worthy citizen. Judge Bennett is an ornament to the bench and bar of Wisconsin and the United States.

It has often been truthfully said that the fame of all great lawyers and advocates is written in water. The most learned and astute lawyers of the last generation are hardly heard of beyond the immediate neighborhood in which they lived. But the goal toward which Judge Bennett has hastened during his many years of toil and labor is with "those who by patriotism and wise counsel have given the world a direction toward good, and they may have their names inscribed upon the bright page of history and be enduring."

In closing this sketch we cannot do better than to quote the words of a famous judge in commemorating the virtues and achievements of a brother judge and a co-laborer, which expresses most clearly the lofty ideas Judge Bennett always pursues and the example he wishes to set:

"May our successors," he said, "look back upon our times not with-

out some kind regret and some tender recollection. May they cherish our memories with that gentle reverence which belongs to those who have labored earnestly for the advancement of the law. May they catch a holy enthusiasm from the review of our attainment, however limited it may be, which shall inspire them with the loftiest possession of human learning. And thus may they be able to advance our jurisprudence to that degree of perfection which shall make it a blessing and a protection through our own country and excite the admiration of mankind."

THE BAR.

FREDERICK C. BURPEE.

One of the bright young lawyers of the state, Frederick C. Burpee, is now serving his first term as city attorney of Janesville, to which office he was elected in April, 1898. Prior to that time he was elected a member of the board of education.

Mr. Burpee's parents are Austin E. and Eliza (Chapin) Burpee. His father, for many years a prominent lumber merchant of Janesville, came to that city from the Empire state in 1854. Here the latter lived and prospered until his death, September 18, 1891.

The son and subject of this sketch was born in Janesville, on the 14th of October, 1865. He was educated in the public and high schools of his native place, as well as at a private academy.

In 1886 Mr. Burpee commenced his legal studies in the office of Winans & Hyzer, Janesville, and was admitted to the bar by the state board of examiners, then sitting at Milwaukee, on the 29th of August, 1888. He began the practice of his profession in his native city. From the first he has secured his share of the legal business, and that he has conducted it with ability is evident from his election to the office of city attorney. He has, in fact, early realized that the secret of modern success consists of industry and thorough business methods applied to professional work. He is identified with the Knights of Pythias, Janesville Lodge No. 22, and is a member of the order of Elks, Lodge No. 254. In politics he is a democrat.

Mr. Burpee was married on January 5, 1898, to Jennie L. Rowe, daughter of Oscar D. Rowe, now register of deeds for Rock county.

LUCIEN B. CASWELL.

This eminent lawyer and citizen is a most excellent illustration of the high possibilities open to energy and application when united to intellectual capacity and strong aspirations to make himself recognized, no matter in what community he may be placed. Making the utmost of his opportunities he has developed in himself a true manhood and has won the esteem as well as respect of all who know him, either personally or by repute.

Lucien B. Caswell was born at Swanton, Vermont, November 27, 1827. His father, Beal Caswell, a farmer by occupation, died at Swanton, Vermont, when the subject of this sketch was but three years old. His mother, who was formerly Betsey Chapman, the daughter of Lemuel Chapman, a soldier in the revolutionary war, was remarried after the death of her first husband to Augustus Churchill and moved to Rock county, Wisconsin, in 1837, being among its earliest settlers. It was in the common schools of that county that Lucien B. obtained his earlier education, following which he attended Milton academy and was afterwards at Beloit college. While he did not remain to take a full collegiate course, the institution afterwards conferred upon him the degree of master of arts. Thus fitted for a professional life, he studied law with Matthew H. Carpenter at Beloit. In October, 1851, he took his examination before the circuit court of Jefferson county, at that term presided over by Timothy O. Howe, and was then admitted to the bar.

Fort Atkinson appeared to offer him the best field for his work, and moving there, July 17, 1852, he opened an office. In that town he has remained ever since, and with the exception of two years during which his son, Chester A., was with him, has been unassisted in his professional labors. He has practiced law in all the courts, both state and federal. Among other trials which have obtained more than any passing notoriety may be mentioned the famous Town case, involving the validity of municipal bonds, which was handled by him in the United States courts, and it may be stated that his successes have been surprisingly many.

A republican in his politics, Mr. Caswell's high abilities and services to his party have been conspicuous. While in Congress he was chairman for a while of the committee which had charge of the postoffice appropriations, and was the author of the two-cent postage bill. He was a member of the state legislature in 1863, 1872 and 1874. In the fall of 1874 he was elected to Congress and was re-elected each succeeding two years, with the exception of one term, until his service amounted to fourteen years, a longer time than was served by any other member from this state. During that time in the house of representatives he served on the committee of patents and also as a member of the very important committee on Pacific railroads, in the latter position taking a broad national view of these systems of trans-continental lines of which time has proven the correctness. He was a member of the committee on appropriations and, during the last six years of his congressional service, a member of the judiciary, and instrumental in establishing the circuit courts of appeals. He was a delegate to the national convention in Chicago which nominated General Grant for the presidency for the first time.

Neither his law practice nor the duties of his public life were sufficient to entirely occupy the active business mind of Mr. Caswell. In 1863 he organized the first national bank of Fort Atkinson, of which he became cashier as well as one of its directors, and of which he is now vice president. He organized and was also president of the citizens' state bank of the same town. In 1866 he organized the Northwestern Manufacturing company, which manufactured chairs, buggies, wagons and sleighs, and which was capitalized for \$200,000, and for many years he took prominent part in the company's affairs.

Mr. Caswell was married at Fort Atkinson August 8, 1855, to Elizabeth H. May. They raised a family of six children, Chester A.; Isabel, who is the wife of G. L. Cole, of Beloit; Lucien B., Jr; George W.; Harlow O.; and Elizabeth May, who is married to Dr. F. J. Perry. Mrs. Caswell died in January, 1890.

He belongs to no secret organizations, although formerly he was a member of the Odd Fellows.

On the 10th of March, 1898, he was married to Miss Anna A. Rog-

ers, who remains his wife, and Mr. Caswell is still in the practice of his profession.

ANDREW S. DOUGLAS.

Andrew S. Douglas is a native of Hudelton, St. Lawrence county, New York, the date of his birth June 19, 1846. Of his parents, his father, Adam B. Douglas, who, by occupation, was a farmer and added to that the raising and training of fast horses, was a native of Scotland, and had interested himself in the native rising of 1836-7. The family is one famed in the annals of Scotland, and the subject of this sketch is named after his grandfather, another Andrew Douglas. Adam B. Douglas married Mary Starring, a lady descended from an old Holland family which had come to this country at an early day.

The education of Andrew S. Douglas was received in the classical institute at Portage City, Wisconsin, and the second ward high school, Milwaukee, finally graduating July 3, 1863, from the high school at Janesville. Having for some time taught school at Indian Ford, Wisconsin, he settled on his profession and began to study law with H. A. Patterson at Janesville. He was admitted to the bar at Janesville February 15, 1866, and to the supreme court about four years later.

Having obtained his license to practice, Mr. Douglas opened offices in October, 1867, at Brodhead, a place he left two years later, April 26, 1869, to settle at Monroe. During the second year of his stay in Brodhead he was in partnership with H. A. Patterson, and in 1870 he became associated with E. T. Gardner, a relation which continued until the death of the latter.

Among the interesting and important cases with which Mr. Douglas has been connected may be recalled the State of Wisconsin against Shroyer, for murder, in 1870, in which Mr. Douglas was prosecuting attorney; the prosecution in James Smith vs. Matthew Newkirk of Philadelphia, for an accounting regarding moneys advanced, in which, acting for plaintiff, he was successful; in M. E. Baltzer against Chicago, Madison & Northern Railroad, where, after carrying the case twice to the supreme court, he recovered \$10,600.

Mr. Douglas is a republican and has held a number of political

offices. For five terms he was village and city clerk of Monroe; as representative for the city of Monroe he was a member of the county board; in the spring of 1896 he was elected mayor for a two-year term, and for one term was justice of the peace and on seven different occasions was elected district attorney of Green county by the largest majorities ever given in the county.

Becoming a Mason in 1873, he has filled all chairs and is now Master. Of the Knights of Pythias he has been a member since 1883, and has been elected past chancellor and representative to Grand Lodge. He also belongs to the United Workmen, the Modern Woodmen and the Grand Army of the Republic Post, O. F. Pinney 102, in the latter having been elected for one year commander.

Mr. Douglas has been twice married. First, at Janesville, November 11, 1868, to Laura E. Welch, who died in February, 1881, by whom he had three children: Arthur S., Malcolm C., who is present city editor of the Milwaukee Sentinel, and Helen L. By his second wife, Abbie E. Dowling, to whom he was united January, 1883, there are two children: Andrew S., Jr., and Margarette F.

His military experience was short. In May, 1864, he enlisted in Company A, fortieth Wisconsin infantry, receiving his discharge September, 1864. Mr. Douglas, in his religious affiliation, is a member of the Unitarian church.

BROOKS DUNWIDDIE.

This old time and thoroughly representative member of the Wisconsin bar was born at Sugar Creek, Ohio, January 22, 1818, of which place his parents, John and Ruth (Betts) Dunwiddie, were pioneer settlers. John Dunwiddie, was a farmer by occupation and, leaving Maryland, had located in southwestern Ohio in 1804. The father of the last named was a native of the north of Ireland, who, coming to this country, immediately enlisted in the army and was present at the battle of Brandywine. John's wife was from Delaware and is nearly related to John M. Clayton, the United States senator.

Brooks Dunwiddie received his education in the Quaker school and the Harvey seminary, Clinton county, Ohio, obtaining very thor-

ough instruction in English, Latin and mathematics. Having decided to take up the legal profession, he studied law under Thomas Corwin & Smith, at Lebanon, Ohio, taking his full course. At the end of the time, however, filled with the glowing accounts of what could be done in the west, without even waiting for his examination, he set out with a drove of sheep in that direction in 1842. For the six years following, until 1848, he ran a sheep ranch on the Sugar river, Green county, Wisconsin, at the end of which time and just when the state was admitted to the Union, he passed his examination before Judge Irwin at Monroe, Green county, which was then known as the United States district court, receiving his license to practice. In 1850 he became law partner with George E. Dexter, brother-in-law of William M. Talman, of Janesville, a connection which continued until 1860, when Mr. Dexter went to Minnesota.

Formerly a whig in his political views, Mr. Dunwiddie's first vote being given to William H. Harrison in Ohio, 1840, for President, and also a free soiler, in 1854 in Wisconsin he became one of the committee sent to Madison for the purpose of organizing the republican party, and since that time has been foremost in his allegiance to the party and in fidelity to its principles. In 1848 he was elected for a term of two years district attorney of Green county, and ten years later became county judge, a position he has held continuously up to January, 1898.

During the last seven years the greater portion of his attention has been bestowed upon his judicial duties, but preceding that his practice was a large one in the circuit, supreme and United States district courts, and as a fact, there were but few important cases with which he was not connected.

He became a member of the Masonic body in 1853 and of the Odd Fellows about the same time, but he has always refused to accept office in either society.

Judge Dunwiddie's business energies, however, have by no means been devoted solely to his professional duties, for his high standing among his brethren and the business community generally was shown by his election in 1854 as a director of the Milwaukee & Mississippi

Railroad Company, and in that capacity he remained until the road was sold in 1857, during which time the road was built to the Mississippi and to Monroe and became the Chicago, Milwaukee & St. Paul Railroad Company, the road which he helped to build from Milton Junction to Prairie du Chien and also to Monroe. He was also, from 1860 to 1870, a trustee of the state insane hospital at Madison.

Mr. Dunwiddie was married July 5, 1855, to Sarah Yarger at Rock Grove, Stephenson county, Illinois, and they have four children: Mary, who married a gentleman named Kemp, but who for seven years past has been a missionary to China; William, who is an abstractor; J. D., who follows the same profession as his father; and Edna, wife of Mr. Bush, of Milwaukee.

All his life the subject of the present sketch has been an omnivorous and an industrious student—his chief pleasure being in the reading and translation of ancient and modern history. It having been his fortune to become acquainted with the late Charles Dickens, the well known novelist, he has since become a close reader of his works. In his religious views he belongs to the Baptist persuasion.

BARNABAS B. ELDREDGE.

Mr. Eldredge traces his descent from Edward Eldredge, who was born on the 9th of September, 1737, in Wales, and came to America in his youth and settled on Cape Cod, Massachusetts. On the 19th day of December, 1762, at Dartmouth, Massachusetts, he married Miss Adna Hammond, whose mother was paternally descended from William Penn. She was born at Dartmouth in 1735 and died in 1825. Her husband died in 1821.

Barnabas Eldredge, a son of Edward and Adna Eldredge, was born at New Bedford, Massachusetts, on the 25th day of September, 1768. At Poughkeepsie, New York, whither he went soon after the revolutionary war, he married Miss Dacia Wadsworth, a daughter of Josiah Wadsworth, formerly of Hartford, Connecticut. Immediately after their marriage they set out for the interior of New York state and located in the town of Sharon, about two miles west of Sharon Springs, where in the wilderness he eventually erected a log building and es-



B. B. Eldredge

established a supply store, and by his energy and tact founded an extended mercantile business. He also erected and operated mills for the manufacture of flour and lumber and for other purposes.

In 1821 he was a member of the legislature of New York. He died at Sharon, New York, on the 5th day of September, 1842, and his wife died at the same place on the 30th day of May, 1831.

David Eldredge, their son and father of the subject of this sketch, was born in Sharon, New York, on the 3d day of September, 1797, and was married to Miss Sally Swift on the 9th day of October, 1816. She was born on the 14th day of November, 1798, at Cherry Valley, New York, and was a daughter of Thomas Swift, formerly of Rhode Island. She died at Sharon Springs on the 2d day of October, 1865. David Eldredge was the founder of Sharon Springs, and was, during his life, a farmer, and also reconstructed several of the mills that had been erected by his father and supplied and controlled the same for many years thereafter. He died at Sharon Springs on October 8, 1865.

Barnabas B. Eldredge was born at Sharon Springs, Schoharie county, New York, on the 2d day of February, 1824. In June, 1838, he entered upon a preparatory course of study at the Clinton liberal institute, Clinton, Oneida county, New York. He was placed under the personal supervision of the eminent linguist, the Rev. Timothy Clowes, LL. D., and of Professor George R. Perkins, the well known mathematician, scientist and educator, and was graduated from Hamilton College, New York, in the class of 1845.

In August of the same year he entered upon a course of study of law at the Cambridge law school, under the direction of Simon Greenleaf, LL. D., author of *Greenleaf on Evidence* and other legal works and treatises; and of Judge William Kent, son of Chancellor Kent. He closed his term at the law school in 1847.

He continued his law studies with Samuel Stevens of Albany, New York, and was admitted to practice in the courts of such state at a term of its supreme court held at Salem, Washington county, in May, 1848, Judges Cady, Hand and Millard presiding, and during the same year began the practice of law at Sharon Springs, where he continued the same until the 1st of November, 1850, when, at the earnest solici-

tation of his father, who had for the first time visited the west during that year, and like Horace Greeley had confidence in the future of that section, he started for Janesville, Wisconsin, where he arrived on the 9th day of November, 1850.

Upon his arrival at Janesville, Mr. Eldredge formed a law partnership with John J. R. Pease and Isaac Woodle, under the firm name of Woodle, Eldredge & Pease, which continued until June 6th, 1851, when Mr. Woodle retired, the firm remaining Eldredge & Pease until January, 1866. In October, 1867, Thomas H. Ruger, who subsequently became a major general of the United States army second in rank, and retired in April, 1897, joined the firm of Eldredge & Pease, which was continued as Eldredge, Pease & Ruger until the commencement of the war of the rebellion, when Mr. Ruger retired to enter the service of the United States as lieutenant colonel of the third Wisconsin regiment of volunteers, when the old firm name of Eldredge & Pease was resumed.

In 1853 Mr. Eldredge was appointed local attorney for the Milwaukee & Mississippi railroad company and served in that capacity until 1860. In 1855 he became attorney for the Chicago, St. Paul & Fond du Lac railroad company—now the Chicago & Northwestern—serving as such until 1866, when he resigned to return to Sharon Springs, on account of business matters requiring his personal attention. Having arranged his affairs in the east, on the 1st of July, 1868, he returned to Janesville, where he has since resided.

He did not at once resume the practice of the law, but continued legal investigations in the office of Pease & Ruger, until after the death of his wife, whose delicate condition of health required the devotion of much of his time to her care, till the sad event. Soon thereafter he opened a law office in the same rooms he had formerly occupied and resumed the practice.

From January 1, 1878, until January, 1881, he was associated with Ogden H. Fethers, since which time he continued alone in the practice, until January 1, 1898, when he formed a partnership with Arthur M. Fisher.

During the term of his attorneyship of the Chicago, St. Paul & Fond

du Lac railroad Mr. Eldredge personally assisted in shaping the necessary agreements and the legislative enactments under and by means of which its several extensions and consolidations were effected, and as attorney for these railroad companies he participated in the disposition of many important actions wherein the companies were interested in the courts of last resort.

Mr. Eldredge's successes have not all been confined to the field of his profession, but as a man of business affairs he has displayed the same capacity which crowned his professional efforts with success. He became a stockholder and director of the Rock County National Bank shortly after its organization, and was president of this institution from November 19, 1881, to January 17, 1887, since which time he has served as its vice president. Since the construction of the works in 1881, he has been a stockholder and director of the Janesville woolen mills of Janesville, and is now president of that corporation.

As a citizen Mr. Eldredge has been an active worker in the development of many of the movements that have resulted beneficially. He was the first to advise the sinking of an artesian well at the fair grounds at Janesville as a test for agricultural purposes and which, by his efforts, was carried through successfully except so far as raising water to the necessary height on the elevated prairies. Subsequently he took a deep interest in the question of procuring a good and sufficient water supply for the city of Janesville and strongly advocated the artesian well system for that purpose in opposition to all plans to utilize river or creek water and was ably supported by John J. R. Pease and Judge Milton M. Phelps. A well was sunk near the west bank of Rock river to the depth of 1,087 feet with an eight-inch bore, and the water rose to a height of forty-two feet above the level of the water surface in the river, discharging at the rate of 800,000 gallons every twenty-four hours; it is voted a grand success.

In early life Mr. Eldredge was a democrat and cast his first vote for Silas Wright for governor of New York. He was recognized as a local leader of his party, and as a delegate to the convention held at Utica, New York, which nominated Martin Van Buren for the presi-

dency, he gave him his hearty support. He was also a delegate to the barnburners' convention held at Rome, New York, with the object of consolidating the barnburners and hunkers, but which failed in its purpose. Upon the organization of the republican party Mr. Eldredge discontinued to fraternize with the democrats, and since then has been recognized as an active republican.

He was appointed by Governor C. C. Washburn one of the commissioners, authorized by chapter 243 of the laws of Wisconsin of 1873, to hear, try and determine the claim for damages by Morgan L. Martin under a contract entered into by him with the state and bearing date of May 14, 1861. After hearing the claim Mr. Eldredge made a minority finding and reported adversely to such claim and filed the same with the secretary of state.

February 2d, 1848, at Clinton, Oneida county, New York, he was married to Louisa Maria Hutchens, whose many excellencies of character and education challenged the esteem and love of all within the sphere of her refined and womanly influence. She was a daughter of William and Louisa Hutchens, formerly of Connecticut and who were early settlers at Clinton.

Two children were born to them: William Mellen, the elder, was born at Clinton, November, 1848. He married, in 1875, Miss Sarah C. Pease, a daughter of J. J. R. and Caroline M. R. Pease, of Janesville. Charles Chamberlin, the younger, was born in Janesville July 10, 1856, and died in infancy. The mother, after years of suffering, which she bore with Christian resignation, died on the 29th day of March, 1877.

Mr. Eldredge was again married on June 17, 1878, at Janesville, Wisconsin, to Miss Mary A. Hunter, daughter of Rev. James Hunter, of Quebec, Canada, formerly of Galashiels, Scotland, a minister of the Congregational church. He died of cholera at the age of ninety-two years, only two days after delivering what proved to be his last sermon.

Mr. Eldredge is in communion with the Episcopal church and a member of Christ church, Janesville. He became a Master Mason in 1853; a member of Janesville Lodge No. 55, and of Janesville Com-

mandery No. 2, Knights Templar, of which he was one of the organizers.

JACOB J. ENOS.

Jacob J. Enos was born at Johnstown, Fulton county, New York, July 5, 1816. He received a good education, was admitted to the bar, removed to Wisconsin, and settled at Watertown, Jefferson county, in 1844. Here he practiced his profession with success and credit. He was at one time county commissioner, and was also postmaster at Watertown. Though but little engaged in public life he was well known in the state, and highly respected for his talents and virtues. He died at Watertown January 2, 1874.

RHODA L. GOODELL.

Miss Rhoda Lavinia Goodell was admitted to be a member of the bar of Rock county in the spring of 1874—probably the first woman lawyer in Wisconsin. She was born in Utica, New York, in May, 1839; graduated from the ladies' seminary at Brooklyn Heights, New York; assisted her father in editing a journal devoted to the advocacy of anti-slavery principles and other reforms; taught successfully for three years and for four years was an editorial writer on Harper's Bazaar. In 1871 she came to Wisconsin, settling at Janesville. Soon afterward she became a student in the law office of Jackson & Norcross, and was admitted as stated. On December 14, 1875, I. C. Sloan moved the admission of Miss Goodell to the bar of the supreme court, and made an elaborate argument in favor of the motion, which argument was prepared by the lady in whose favor it was, and which is substantially preserved in the report of the case—39 Wis. 232. The motion was denied by the court on the ground that the legislature had not authorized the admission of females to the bar. The opinion, written by Ryan, Chief Justice, questions the power of the legislature to provide for the admission of women to the bar of the supreme court. In 1877 the legislature enacted a law declaring that no person should be denied a license to practice as an attorney in any court of the state on account of sex. Miss Goodell was admitted to the bar of the su-

preme court without question in June, 1879, after the death of Chief Justice Ryan, as have several other women since that time. She practiced her profession at Janesville and in it won the respect and confidence of the community. She died March 31, 1880, at Milwaukee.

OGDEN H. FETHERS.

Ogden Hoffman Fethers, son of Daniel and Laura (Adams) Fethers, was born at Sharon Springs, New York, September 20, 1845. His father was of Dutch ancestry and his mother was a member of the historic Adams family of Quincy, Massachusetts. His early education was obtained in the district school at Sharon Springs, supplemented by a course of study at the Fort Edward collegiate institute at Fort Edward, New York, from which he was graduated in 1863. He read law with James E. Dewey, of Cherry Valley, New York, and was admitted as attorney in 1867 and as counsellor in 1877. He has practiced his profession in Canton, New York, and since 1877 in Janesville, Wisconsin. Before locating in Janesville he spent several years as an educator, being for part of the time professor of English literature in Washington university, St. Louis, Missouri. In 1877 he formed a partnership with B. B. Eldredge of Janesville, which continued for several years. For the past fifteen years he has been associated with Malcolm G. Jeffris, the present firm being Fethers, Jeffris, Fifield & Mouat. He was married July 15, 1868, to Frances Ella Conkey, of Canton, New York. He is interested in pastoral pursuits and is the owner of a farm in the town of Fulton, Rock county, Wisconsin, which is devoted to raising cattle, sheep and swine of high grades. Politically he is a republican. He has occupied himself with the advancement of educational matters and in addition to acting as president of the school board of Janesville, has for several years past been a member of the board of regents of the university of Wisconsin, a position which, through his experience as an educator, he fills with ability.

DANIEL HALL.

Daniel Hall was born in Greenwich, Washington county, New York, November 20, 1819; remained on his father's farm until he was eight-

een years of age, at which time he entered the seminary at Lima, Livingston county, New York; in 1842 he entered the sophomore class of Union college, from which he graduated in 1845; studied law at Lockport, New York; removed to Wisconsin and was admitted to the bar in Milwaukee in August, 1851. In September, 1851, he became a resident of Watertown, Jefferson county, and lived there the remainder of his life.

He was district attorney of Jefferson county in 1857 and 1858; a member of the assembly in 1870, 1871 and 1872, and speaker in 1870. His death occurred some two or three years since.

Mr. Hall was engaged in much of the litigation arising in his section and was regarded as a prudent counsellor, a faithful investigator and competent lawyer. He was not brilliant; but won and retained the confidence of the community by his recognized uprightness and careful examination of questions submitted to him. As a legislator, he was distinguished by the same characteristics that made him successful as a lawyer.

JOHN E. HOLMES.

John Edwin Holmes, the first lieutenant governor of the state, was born December 28, 1809, near Hartford, Connecticut. The family moved to the state of New York before he was four years of age, and both parents dying before he was nine, he lived with his grandfather in the same state. He received but little education while under his grandfather's care, and, at the age of twelve years, he went to Hamilton, Madison county, where he learned a trade. During his leisure hours he applied himself to study and thus gained an education sufficient to enable him to teach a common school. He also attended an academy and prepared himself for preaching as a Universalist minister. After preaching in Chautauqua county, New York, and adjacent parts of Pennsylvania, he removed, in 1836, to Ann Arbor, Michigan, where he spent a short time, and before the end of that year removed to Roscoe, Winnebago county, Illinois, where he commenced the study of law. After a diligent study of two years he went to Lockport, Will county, Illinois, and in that county was admitted to the bar.

Afterwards, removing to Savanna, Carroll county, Illinois, he practiced law for about two years, and, in 1843, removed to Jefferson, the county seat of Jefferson county, Wisconsin, and here made his life-long home, opened a law office and practiced in the state and United States courts until he devoted himself to his country's service, in which he finally died.

The professional life of Gov. Holmes furnishes an apt illustration of the superior value of integrity over mere education. He was by no means a great or brilliant lawyer, but was a thoroughly honest man, and had the confidence of the community which secured him success.

In 1846 he was elected a member of the council and served until the organization of the state government, in 1848, when he was elected lieutenant governor, which office he held until January 1, 1850. Subsequently he was a member of the assembly in 1853.

Governor Holmes went into the army as quartermaster of the 22d regiment Wisconsin infantry, was taken prisoner at Brentwood, Tennessee, March 25, 1863, and sent to Libby prison where he was confined until the fifth of May, when he was exchanged. He was immediately sent to Annapolis, where he died on the 8th of May, 1863. His remains were brought to Jefferson, and there buried according to the rites of the Masonic order.

MALCOLM GEORGE JEFFRIS.

Mr. Jeffris, one of the younger leaders of the Wisconsin bar, is especially prominent as a trial lawyer of rare ability. He is a native of Rock county, Wisconsin, and was born August 18, 1862. His father, David Jeffris, traces his American ancestry to the early settlers of Virginia, who emigrated to the Old Dominion about 1700 and subsequently became active participants in the revolutionary war. Thomas Jeffris, his great-grandfather, was a sergeant under Washington. Mr. Jeffris' mother—Grace Mouat before marriage—was born in the Orkney islands, and is therefore of the purest Scotch.

Although as a boy not physically strong, Malcolm was remarkably bright, enterprising and determined. He made good progress in his studies despite many interruptions, but finally determined to leave



W. G. Jeffries.

school when only fourteen years of age and establish himself in business. With borrowed money he bought a stock of groceries valued at about \$4,000, and bravely faced the world as a merchant. For two years he continued the business, carrying along his studies with it, and was prepared to enter Beloit college when his health gave way through over-exertion. Selling his business, and after a brief period of rest, he commenced the study of law, being at this time only seventeen years of age.

Mr. Jeffris celebrated his twenty-first birthday by his admission to the bar and immediately formed a partnership with Ogden H. Fethers which still continues. The present style of the firm is Fethers, Jeffris, Fifield & Mouat. They are employed throughout the northwest and the firm is conceded to be one of the strongest in the state.

Mr. Jeffris' mind is analytical as well as alert, and he adds to these qualities a most charming and persuasive manner. Notwithstanding his success in the special province of the law, he has always been a wide reader and deep student of general literature. He has a large private library which he constantly uses and his reading has been supplemented by extensive travel in all portions of the United States and Canada as well as in many of the countries of Europe, Asia and Africa.

The wide range of his activities is indicated by the facts that he has served as grand chancellor of the Knights of Pythias of Wisconsin (1889); was president of the national fraternal congress at Washington in 1892; and during the same year was chairman of the republican state convention. For fourteen years he has advocated the principles of his party in every campaign with eloquence and practical results. Mr. Jeffris also has large agricultural interests in Rock county, is identified with the water works of Stevens Point and Menomonie, and also with the mills of Janesville. At all times and in all places he is public spirited and generous.

When we add to these various pursuits the pleasures and responsibilities of domestic life we have the picture of a busy, able, broad minded and successful American gentleman and lawyer. Mr. Jeffris was married January 22, 1885, to Miss Nancy Roys, of Janesville.

They have two children, Malcolm Roys and Helen. Their home life is elegant and refined and their beautiful home, enriched by works of art secured during their travels, is a favorite resort for the best social and artistic elements of society in Janesville.

ALEXANDER E. MATHESON.

Alexander E. Matheson, junior member of the law firm of Whitehead & Matheson, Janesville, was born at Eagle, Wisconsin, on July 11, 1868. His paternal grandparents were Alexander and Barbara C. Matheson, who, in 1840, emigrated from their native place, Rosshire, in Scotland, and settled in Walworth county, Wisconsin. They located upon a farm, where their son John, the father of our subject, was born.

Said John Matheson was married to Mary Bentley in 1866. He became a well-to-do dealer in lumber. From 1862 to 1865 he faithfully served his country as a private in company I, 28th Wisconsin infantry. He died at Elkhorn, Wisconsin, on the 17th of November, 1890.

Alexander E., the son, received a thorough primary education, removing with his parents to Elkhorn in 1882. He also took a course in Beloit college, being graduated in 1890 with the degree of Ph. B. Upon the death of his father he succeeded to his business, and conducted it for two years. His ambition, however, was to engage in some occupation which offered greater opportunities for intellectual growth and general advancement. He obtained the degree of M. A. from his alma mater in 1893. He pursued the regular legal course in the state university, from which he graduated in 1894. He also studied in the law office of Spooner, Sanborn & Kerr, Madison, and commenced practice in Janesville, whither he removed in June of that year.

Mr. Matheson first became a partner in the firm of Fethers, Fifield, Jeffris & Matheson, but, after practicing a year, decided upon a European tour. In October, 1895, after an absence of about three months, he became a member of the firm of Whitehead, Matheson & Smith. Subsequently Mr. Smith retired, leaving it as it is at the present time.

Mr. Matheson is now a lecturer on international law at Beloit col-

lege. He is a republican, and is superintendent of the department of good citizenship of the Y. P. S. C. E. in Wisconsin. He is also a member of the Masonic order, having, during the nine years of his membership, been junior and senior warden of the blue lodge, and scribe of the chapter; he is a member of Wisconsin consistory and of Tripoli temple.

In September, 1894, Mr. Matheson was married to Georgia L. Hubbard, of Elkhorn, Wisconsin. They have one child, Marian B.

SILAS W. MENZIE.

This gentleman was born in 1842 at Schoharie, Schoharie county, New York, where his father, Robert R. Menzie, was also a member of the legal profession. The last named, who was a colonel in the Mexican war, practiced in the town of Schoharie, then in Prattsville, later in Catskill, and finally, in 1849, moved to Delavan in this state, where he continued his profession until his death in 1882. His wife, formerly Rebecca Thorp, was of good Scottish descent, as indeed he was, both his grandparents having lived and died in the old Scottish land. The Thorp family settled in New York about 1790.

The early education of the subject of this sketch was received in the high school at Delavan, Wisconsin, following which he attended the law school at Albany, from which he graduated. After an examination by the circuit court of Walworth county in September, 1866, he was admitted to practice. That his father was in the same profession, of course, gave him exceptional advantages for the study of his profession, and even after his admission to the bar he continued his studies. Among the interesting recollections of his youth is the fact that he was a passenger on the "Golden Gate" when it was burned in 1862.

Still associated with his father, he practiced his profession until the death of the latter in 1882, when, after continuing for three years alone, he formed a partnership with C. B. Sumner until 1890, in which year he removed to Beloit. Since that time he has had no partner. The recognition of his superior abilities was shown by his election in 1882

as district attorney, a position he held for two terms of two years each. For twelve years, from 1867 to 1879, he was court commissioner.

The two most notable cases with which, in his opinion, he has been professionally connected, were the Nellie Horan poisoning case and the Pierce murder trial. In the first, which Mr. Menzie handled as prosecuting attorney of Walworth county, the accused was charged with having poisoned her sister. The case became celebrated all over the state. J. V. Quarles, John T. Fish and T. D. Weeks were attorneys for the defense, and after a trial lasting twelve days, procured a verdict of acquittal. In the second case, which was a Walworth county case, the subject of this sketch was associated with J. V. Quarles for the defense, and secured the acquittal of accused.

Mr. Menzie is an Episcopalian in his religious belief, while for his political opinions he has always belonged to the republican party. He has been a Mason since 1883; has held the offices of Master and Senior Warden of Delavan Lodge and Junior Warden and Captain General in Beloit Commandery No. 6. In 1887 he joined the Knights of Pythias, and was the first chancellor commander of Delavan Lodge.

For fine horses Mr. Menzie admits the strongest partiality, and tells a story of how, in 1861, he started overland from Delavan with a drove of horses for Sacramento, taking one hundred and five days to make the trip. Three years later he made the same journey with another drove from Marengo, Iowa, this time in ninety-two days.

Mr. Menzie was married June 26, 1883, at Milwaukee, to Laura McCormack. They have one daughter, Anna T.

The kindly disposition which at all times has led him to assist others when the opportunity offered, as well as his strict attention to his business and absolute fidelity towards the interests of his clients, has won him the esteem and respect of every one brought into connection with him either socially or professionally.

WILLIAM RUGER.

Mr. Ruger's paternal ancestors were residents of the Empire state. His grandfather, Francis Ruger, settled in the Mohawk valley and was one of its enterprising and influential pioneers. His father, the Rev.

Thomas J. Ruger, was a clergyman of the Protestant Episcopal church and officiated as such, and taught as professor of mathematics in academic institutions in New York, until the year 1844, when he removed to the territory of Wisconsin, and settled in Janesville where he resided the remainder of his life. He took charge of the mission of his church there established and became rector of the same when organized as a parish, and continued his charge as rector until the year 1855. In 1846 he established an academic school in Janesville and conducted it successfully for a considerable time. The sons and daughters of many of the prominent pioneers of the territory attended this school.

In his earlier life he undertook, with his brother William Ruger, the preparation of a series of mathematical books, but this work was interrupted by the death of this brother, so that only the arithmetic known as Ruger's Arithmetic, was completed and published.

This brother William was a lawyer of note and served as a member of the court of errors of New York in the years 1841 and 1842.

Another brother, John Ruger, was a prominent lawyer in practice for many years in the state of New York—his last residence being in Syracuse. His son William C. Ruger became chief justice of New York in 1890, served as such until his death, and acquired high rank as a lawyer and jurist.

Mr. Ruger's mother's maiden name was Maria Hutchins—a member of the Hutchins family of Connecticut and related to the Jewell and Bradley families of that state. Members of her family have occupied judicial and other important public positions.

The subject of this sketch is the third in age of four brothers now living. The eldest is Major General Thomas H. Ruger, who was the second officer in rank in our army when he reached the age limit of sixty-four years and retired from active service. His brother Edward Ruger is a civil engineer devoting his attention to hydraulic engineering exclusively, and in that branch of his profession has attained a national reputation. His brother, H. H. Ruger, is a physician residing in North Dakota. He was graduated with high honor at the Jefferson medical college of Philadelphia, served as a surgeon in the army during the war of the rebellion, and afterwards for a considerable num-

ber of years. While serving in the army he accompanied the Yellowstone and other expeditions in the far northwest, and loving frontier life, made his home in North Dakota, where his practice as a surgeon extends over a wide range of country.

The subject of this sketch was admitted to the bar in 1859. Upon the breaking out of the war of the rebellion, he co-operated with his brother Edward in raising a company of volunteers at Janesville, first known as the Ruger guards, and afterwards as Company A of the 13th regiment of Wisconsin volunteers. Upon its organization he became second lieutenant, and upon the formation of the regiment was commissioned first lieutenant and adjutant. After serving something more than a year with his regiment he was, by President Lincoln, commissioned as an assistant adjutant general of United States volunteers, with the rank of captain. At the battle of New Hope Church in Georgia he was seriously wounded and soon after received a brevet commission as major for gallant and meritorious service in that battle and the prior battle at Resaca, Georgia. He was mustered out in November, 1865, and immediately resumed the practice of law in Janesville, and has ever since devoted himself to it exclusively. He has had special experience in those branches of the law involved in the litigations of railway companies and other corporations, and the law of real estate and waters. He took part in cases which have settled the law in Wisconsin respecting the liability of railway companies for fires, their duties and liabilities to passengers and to persons upon their tracks. Although not its acknowledged author, he prepared a brief which was used in the argument of the celebrated Granger cases in the United States supreme court, and another brief which was in part used on the trial of the impeachment of President Johnson. He was a pioneer in the work of devising legal remedies for adjusting rights respecting the use of water for hydraulic power. Formerly the remedies sought for interferences with water rights were by the recovery of damages or by injunction. Finding these inadequate Mr. Ruger sought and obtained a remedy through the partition of water by practical measurement and delivery of the same to the parties entitled. In this he was aided by his brother Edward, who devised a system of ap-

pliances by means of which the water is practically measured and delivered to the parties by an officer of the court, appointed for that purpose, in accordance with the judgment determining their rights and manner of exercising the same. In aid of this jurisdiction Mr. Ruger drafted the statutory provisions respecting the partition of water so that the jurisdiction in such cases is continuous, and the court authorized to modify its judgment from time to time as occasion may arise.

His briefs in *Kellogg vs. Chicago & Northwestern Railway Company*, 26 Wis. 223—prepared in the early part of his career as a lawyer—were most highly complimented by Chief Justice Dixon in his opinion on the motion for a rehearing in that case.

As a layman of the Episcopal church he has been active, usually attending its councils, and for several years has been chancellor of the diocese of Milwaukee, and legal adviser of the bishop and other ecclesiastical authorities in matters involving civil, ecclesiastical and canonical law.

The style of his firm is now Ruger, Norcross & Ruger—the second member being John V. Norcross and the third William Ruger, Jr.

JOHN J. R. PEASE.

John J. R. Pease was born in Enfield, Connecticut, June 25, 1817, and is of the New England puritan stock. His residence in Wisconsin dates back to 1840, in time to be numbered in the United States census of that year among its small body of settlers. For over three years he resided in Green Bay, spending his time as a law student and as a clerk in the United States land office, while he also engaged in the survey of government lands. In the winter of 1843-4 he reported for the *Argus* newspaper of Madison, the proceedings of the lower house of the territorial legislature of Wisconsin. About the first of February, 1844, Mr. Pease settled in Janesville and for a few months was a student in the law office of E. V. Whiton, then the leading lawyer in the territory. During the summer of 1844, much against his will, the law books were laid aside and for two years his time was given to surveying, there being a great rush of new settlers to Janesville and the surrounding country who wanted work done in that line, and Mr.

Pease was the only person available and experienced in such work, or who would undertake it. In 1846, at the beginning of the Mexican war, he was tendered a clerkship by an early friend, in the navy office at Washington, which offer he accepted, and remained in that position until the close of the war. He then returned to Janesville and was soon after admitted to the bar, after which time he engaged in the practice of law. From November, 1850, until January, 1866, he was associated with B. B. Eldredge and from that time until his retirement he was a partner of William Ruger.

On the 14th day of July, 1851, Mr. Pease was united in marriage with Miss Cornelia Ruger, a daughter of Rev. Thomas J. Ruger, deceased, late of Janesville, Wisconsin. Three children living, daughters, were born to them.

From the early days of his settlement Mr. Pease was identified with the moral, educational, social and business interests of Janesville and Rock county. Religiously he was a communicant of the Protestant Episcopal church, to which his parents also belonged. In politics he was a Jeffersonian democrat and was elected by the people to various town, county and city offices.

Mr. Pease was interested in the establishment of the Rock County National Bank of Janesville, which was first organized as a state bank in 1855. At its organization he was elected vice president of the company, serving in that capacity for ten years and was also a member of the board of directors. In the month of October, 1855, he became a director in the Chicago, St. Paul & Fond du Lac Railway Company, and for twelve years was an active working member of that board, filling the position after the above mentioned road had become a part of the property of the Chicago & Northern Railway Company. He was also a director of the Land Grant Railway Company, known as the Wisconsin & Superior company, until its consolidation with the Northwestern company. He also served as secretary of the Southern Wisconsin Railroad.

In the manufacturing interests of the community Mr. Pease was also an active promoter. For a quarter of a century he was one of the trustees of the Oak Hill cemetery association, and for several years



G. R. Peck

served as its president, and for twenty-eight years was one of the trustees of the Northwestern Mutual Life Insurance company of Milwaukee, Wisconsin. He retired from the practice of his profession about a dozen years before his death, devoting his time to his personal interests, and to the duties of his position with the Northwestern Mutual Life Insurance Company.

GEORGE R. PECK.

The pre-eminence of Chicago is due not only to the men of light and leading who controlled her affairs in the early days, but even more to those whom she is constantly attracting from other cities. In March, 1893, George R. Peck, then general solicitor of the Atchison Railroad system, removed his office and family from Topeka, Kansas, to Chicago. This seemed to many a hazardous change. Would the first lawyer of Kansas be able to maintain his leadership among the lawyers of the metropolis? But those who knew him never doubted that his past achievements would be surpassed in the larger field; and already this has occurred.

Born in Steuben county, New York, in 1843, he spent his childhood among the hardships of farm life in a Wisconsin clearing. At sixteen, with only a common school education, he left the work of the farm to become a district school teacher that he might add to the scant income of his father and free the farm from debt. At nineteen he enlisted in the First Wisconsin heavy artillery, was promoted to captain of the Thirty-first Wisconsin infantry, and marched with Sherman's army to the sea. After three years' service he was mustered out and immediately returned to Wisconsin. He began at Janesville his preparation for that perennial war, the practice of law, in which he has won the highest honors. Six years were spent there, as law student, circuit court clerk and practicing lawyer. Then he sought larger opportunities in the new state of Kansas, and from 1871 to 1874 pursued his profession with signal success at Independence. Then he was appointed by President Grant United States attorney for the District of Kansas, at Topeka, where for nineteen years he gained ever-increasing distinction as a lawyer, an influential citizen and a man of

letters. Within a month after his appointment he was directed by the attorney general to bring suit involving the title to 960,000 acres of land. The ability with which he brought this and other cases to a successful issue soon made him the leading lawyer of his state. In 1879 the greater rewards of private practice led him to resign the office of district attorney. In 1881 the Atchison, Topeka & Santa Fe Railroad Company elected him its general solicitor. From then until September, 1895, with the exception of two years, that great system of railroads was created and developed under his masterful counsel and direction.

Mr. Peck's connection with Kansas politics during the entire period of his residence there was of the most influential and honorable character. For more than ten years his leadership of the republican party in that state was unquestioned, and he might have had any office its people controlled. Upon the death of Senator Plumb in 1892 Governor Humphrey offered the vacant seat in the United States senate to Mr. Peck, but the splendid honor was declined. During the early months of 1893, in the beginning of Governor Lewelling's administration, the capitol at Topeka was filled with legislators contending, not only with parliamentary weapons, but with arms, for the control of the legislative halls. The state house and the surrounding grounds were an armed camp. Sentinels guarded the entrances, and members of the opposing parties were flocking thither as to a war. Then it was that George R. Peck, by the force of his commanding character and influence, controlled the situation, and by his wise counsel and indomitable will averted the anarchy and bloodshed that were impending.

During his residence in Chicago his political experience and learning and his fine literary art have become familiar to the public through his occasional addresses. The more notable of these are his response on Abraham Lincoln at the Marquette banquet in February, 1895, and his address on General George H. Thomas before the Loyal Legion at Indianapolis. The extent and character of his reputation as a statesman is evinced by the fact that leading newspapers of half a dozen

states east and west proposed him as the presidential candidate of the republican party in 1896.

As a lawyer he ranks with the greatest that this country has produced, and few of these can show such a list of professional triumphs in important cases. When the Atchison company attempted to secure the control of the St. Louis & San Francisco Railroad Company, and also of the Atlantic & Pacific, in 1891, by the purchase of the former, Eastman, a stockholder of the 'Frisco, sought to enjoin the sale on the ground that the 'Frisco was a parallel and competing line with the Atchison. The case was bitterly contested in the circuit and supreme courts of the United States. Mr. Peck's successful handling of this litigation, in which the formation of the Atchison system was involved, gave him a place among the first railroad lawyers of the time.

When, in 1892, the attorney general of the United States attacked the Trans-Missouri Freight Association as a violation of the anti-trust act, the western railroads composing this association confidently committed to Mr. Peck the defense of the association. His argument before the district court and before the court of appeals was a masterpiece of legal learning, convincing argument and noble eloquence. At both hearings he was successful.

In December, 1893, the Atchison system went into the hands of receivers, and the problem of its reorganization was pressed upon the holders of its almost worthless securities, and the direction of the legal proceedings devolved upon Mr. Peck. Within two years the mortgages were foreclosed, the property sold and a working plan of reorganization effected, and the great railroad system preserved unbroken. Such a feat of efficient and rapid reorganization of so large a railroad property is unparalleled.

In September, 1895, Mr. Peck resigned the general solicitorship of the Atchison system to become the general counsel of the Chicago, Milwaukee & St. Paul Railway Company. United States Judge Caldwell of the seventh circuit, in accepting his resignation, asked that he still give the Atchison reorganization company the benefit of his coun-

sel until the reorganization should be completed, and spoke of his connection with the receivership matters in terms of highest praise.

Since his removal to Chicago Mr. Peck has been associated with John S. Miller and Merritt Starr in the law firm of Peck, Miller & Starr. Besides his connection with the receivership matters of the Atchison system, he was engaged in the foreclosure of the mortgage of the Jacksonville & Southeastern line, and was also retained in connection with the reorganization of the Northern Pacific Railroad.

Amid the labors of the farm, the field, the bar, and in public affairs, Mr. Peck has cherished a love of letters and has acquired a literary art and appreciation which are after all his highest title to distinction. His large library, which it has been the care and pleasure of his life to collect, is esteemed his greatest possession; and his intimate familiarity with the best literature is the ornament of his public utterances and the charm of his conversation. He is a frequent orator at the gatherings of the Loyal Legion—of which he has been a commander—and is much sought after to address literary societies and the graduating classes of colleges and universities. From two of these universities he has received the degree of LL. D. His address before the law class of the university of Wisconsin in 1893, and his oration on Founders' Day at Knox college in 1894, are remembered by those who heard them as the events of the college year. In June, 1895, he delivered the annual oration on "The Worth of a Sentiment," before the Washington and Jefferson societies of the university of Virginia. It was undoubtedly the greatest address, as it was also one of the greatest occasions, in the history of that ancient university. His reference to the new south and to the union of the north and south was mentioned and praised by the leading papers throughout the country. Upon the unveiling of the monument of John A. Logan on July 22, 1897, Mr. Peck, as the orator of the day, delivered probably the most eloquent, well rounded and finished address ever delivered in Chicago, an oration that will live as long as the mass of bronze, its subject, exists.

His tastes and his talents are so generous that there is no subject of great human interest with which he is unacquainted or to which

he has not given sympathetic aid. Companionable, warm hearted and open handed, admiration of his masterful abilities is forgotten in the warmer admiration and love of the man.

A. HYATT SMITH.

A. Hyatt Smith was born in New York city February 5, 1814; about the age of thirteen he began the study of law in connection with his general studies; his general education was completed at Mount Pleasant seminary; in 1835 he was admitted to the bar of the city courts and to that of the supreme court in 1836. For six years thereafter he successfully practiced law in New York city, at the end of which time medical men advised him that a change of climate was essential for his health. He arrived at Janesville, Wisconsin, November 22, 1842, and soon made investments in real estate and set about developing the water power at Janesville. In 1846 he built the largest flouring mill then west of the great lakes.

In 1846 Mr. Smith was elected a member of the constitutional convention, and served therein as chairman of the committee on eminent domain, and as chairman of a select committee on the apportionment of the state into legislative districts; in 1847 he was appointed attorney general of the territory and served in that capacity until the state government was organized; he was United States attorney for about one year—part of 1848 and 1849; was Janesville's first mayor (1853) and served again as such in 1857; was an unsuccessful candidate for Congress against Orsamus Cole in 1848; came within two votes of being the nominee of the democrats for governor in 1851, and again in 1853; was a regent of the state university for several years; in 1866 was collector of internal revenue. In 1871 he met with losses by fire and removed to Chicago and opened a law office; his library and papers were burned in the great conflagration there. Besides being engaged in the practice of the law, Mr. Smith took an active part in promoting the construction of railroads. At one period of his life he held properties of large value, most of which he became dispossessed of. His death occurred October 16, 1892, at his home near Janesville.

SAMUEL J. TODD.

Samuel J. Todd, one of the oldest and ablest court commissioners in the state, was born at Preble, Cortland county, New York, on the 19th day of January, 1821. His father, Daniel Todd, was a farmer and, with his wife, Mary (Taggart) Todd, came from New Hampshire and settled in Cortland county about 1817. The grandparents of our subject, John Todd and Ricard Duncan, were also natives of the Granite state.

Mr. Todd received his early education in the common schools and academy at Petersboro, New Hampshire, taking, subsequently, a full high school course. When he was eighteen years of age he removed to Perry, New York, but first commenced the study of law in the office of Charles Taggart, of Batavia, New York. He was admitted to practice in 1845, by J. C. Bronson, chief justice of New York, Vice Chancellor Whittlesey admitting him to practice in chancery on the 31st of October of the same year. Until 1849, however, Mr. Todd continued to act as the legal assistant of his former preceptor. In November of that year the west claimed his energies and abilities, Beloit being his first Wisconsin home. Here he made the acquaintance of J. M. Keep, who was so impressed with his strong character, both as man and lawyer, that on February 26, 1850, a partnership was formed between the two. This connection was continued until Mr. Keep was elected to the circuit judgeship in 1854, when Mr. W. S. Rockwell became Mr. Todd's partner. After two years Mr. Todd associated himself with F. Taggart, and in 1859 with Julian C. Converse. Until July, 1870, or for a period of eleven years, the firm remained unbroken and then only the death of Mr. Converse severed the professional and personal ties. Mr. Todd was connected with the firm of Booth & Malone for about two years thereafter, until January, 1881, and since that time he has practiced alone.

Mr. Todd has not only fairly earned a high standing as a practitioner, but his knowledge of the law is both precise and broad. This trait of his professional character was generally recognized as early as October, 1856, when Coles Bashford, governor of Wisconsin, appointed him one

of the revisers of the general laws of the state. Previous to the formation of the republican party, in that year, he was a whig. Since that date he has been a staunch leader of the former organization. In 1858 he served as mayor of Beloit, and in the fall of 1868 was elected to the state senate for a term of two years. He has been a member of the school board for many years, in the early '50s was a justice of the peace and has been court commissioner for more than two decades. From first to last, in fact, his record has been most gratifying, both to himself and those with whom he has been thrown in contact.

For more than forty years Mr. Todd has been identified with the order of Odd Fellows, being one of the best known members in the state. His tastes are simple and domestic, and his wife, formerly Miss Mary E. Hazzard, has been all that a true helpmate should be. To her he was married on December 23, 1853, their children being: R. H. Todd, Alice C., Anna (a teacher in the Milwaukee high school) and Elizabeth V., the last named being a clerk in her father's office.

CHARLES G. WILLIAMS.

Charles G. Williams was born in Royalton, Niagara county, New York, October 18, 1829; his early education was limited by his opportunities and feeble health; by strenuous efforts and the aid of two older brothers he finally completed the course of the Genesee Wesleyan seminary, at Lima, New York. His legal education was obtained in law offices in Lockport and Rochester, at which latter place he was admitted to the bar in 1855; he also began to practice there. He came to Wisconsin and located at Janesville in 1856, going into the office of David Noggie, and upon the latter's assuming the circuit judgeship succeeded to his business. Mr. Williams continued in practice with but little interruption until 1872. In 1868 he was chosen a presidential elector on the republican ticket, and a state senator; in 1870 he was re-elected to the senate; in 1872 was elected to Congress and four times re-elected. Soon after the close of his congressional career of ten consecutive years Mr. Williams accepted a federal appointment which took him to Dakota, and he never resumed his residence in Wisconsin, but died at Watertown, South Dakota, March 30, 1892.

Mr. Williams is better remembered as a politician than as a lawyer. His reputation as a campaigner was excellent, and he did much work for his party in that line. His efforts were not confined to his own district or state; he was in demand by the committees of other states. Doubtless he was strong before juries in the days of his practice.

JOHN WINANS.

John Winans, one of the leading members of the Wisconsin bar and among the well-rounded and most forceful characters of the state, is a native of New Jersey, being born in Vernon, Sussex county, on the 27th of September, 1831. The family is of Dutch descent, its members being among the pioneers of New Jersey. Mr. Winans' father, William R., and his uncle, Ross—the latter a prominent citizen of Baltimore—were men of enterprise and rare executive ability, and for many years were identified with the construction and operation of the railroad between St. Petersburg and Moscow.

The boy and young man received his education—common as well as professional—in his native state, studying law at various offices in Newton and Trenton. At the latter place he enjoyed the tutelage of Martin Ryerson, afterward distinguished as a judge of the circuit and state supreme courts. In 1855 Mr. Winans was admitted to practice in all the courts of New Jersey, but two years thereafter (in the spring of 1857) removed to Janesville, Wisconsin, and commenced that long and substantial career which has placed him in the van of his profession, whether he be considered as an advocate in cases civil or criminal. Eloquent and brilliant, at the same time he never allows his feelings or passions to cloud his judgment. Although there are few members of the bar who can so sway a jury, his artillery is trained with legal accuracy and rests solidly upon the evidence and the facts, and there is no member of the profession in southern Wisconsin who has taken part in more cases of importance and carried them to a successful conclusion than Mr. Winans. Of the noted suits with which he has been identified may be mentioned the murder cases of Mrs. Mack and Ashton, and the Edgerton bible and Jackman will cases.

When Mr. Winans first located in Janesville he became a member of



John Williams

the firm of Winans & Dixon, and subsequently formed the partnerships of Winans & McElrøy, Winans & Fethers, Winans, Fethers & Jeffris, Winans & Hyzer, and Winans & Russell. At present he is senior member of the firm last named.

Mr. Winans is a democrat of even more than state reputation, although he is not considered a strong partisan. His political record dates back more than thirty years, when as a young man of thirty-three he attended the national democratic convention which in 1864 assembled at Chicago. In 1868 he was defeated as a candidate for Congress from the second district. This, however, was anticipated, as the district had always been decisively republican. Mr. Winans represented Janesville in the assembly in 1874, 1882, 1887 and 1891; was elected to Congress from the first district in the fall of 1882, overcoming, by his ability and popularity, the usual republican majority of about 5,000; and, at different times, has served his fellow-citizens in such positions of local trust as those of alderman, city attorney and mayor. Under his administration as mayor most of the city improvements were established, such as water works, fire-alarm system, gates at street crossings, street cars, lighting of the streets by electricity, etc., etc.

In 1887 Mr. Winans received the democratic votes of members of the legislature for United States Senator in opposition to Philetus Sawyer, and upon the assembling of the national convention of democratic clubs, held in Baltimore, on July 4, 1888, was made chairman of that body. He has upon several occasions been chosen as an elector on the national tickets, or a delegate to the national conventions.

From all of the foregoing it will be correctly inferred that Mr. Winans is a leader of men. It may be added that he is such by inherent strength of character, and that the offices which he has held have come to him as a free gift from the people.

ISAAC WOODLE.

Isaac Woodle was born at Washington, Washington county, Pennsylvania, November 9, 1819, and lived there until he attained his majority; was graduated from Washington college in 1840, and soon after-

ward became a resident of Janesville, Wisconsin, where he studied law and was admitted to the bar. Mr. Woodle gave much time to the building of railroads, and was not extensively known as a lawyer. In 1861 he was active in raising a cavalry regiment for service in the civil war, and became quartermaster with the rank of major. His service in the army brought on an illness which caused his death April 3, 1862.

“He was a noble, generous, able and unselfish man, and while his talents made no great lasting impression on the annals of his time, his place in the hearts of his surviving peers is second to none.”

CHAPTER XXVIII.

THE THIRTEENTH CIRCUIT, ITS JUDGES AND LAWYERS.

The legislature of 1881 created the thirteenth circuit, placing therein the counties of Dodge, Washington and Ozaukee. Subsequently Waukesha county was transferred from the second circuit and added to the thirteenth. The first election for judge, held on the first Tuesday of April, 1881, resulted in the choice of A. Scott Sloan, who served until his death, in 1895, during his third term. Warham Parks was appointed to fill the vacancy. He was succeeded by James J. Dick, the sitting judge.

THE BENCH.

A. SCOTT SLOAN.

A. Scott Sloan was born at Morrisville, Madison county, New York, June 12, 1820. His education was limited to that afforded by the common schools and an academy at his birthplace. At eighteen years of age he engaged in the study of the law, and in 1842 was admitted to the bar at Utica. He served three years as clerk of one of the New York courts and, for a time, was register of deeds. His father is said, by E. P. Smith, to have been an eminent lawyer, and his brother, I. C. Sloan, has an enviable reputation at the bar of Wisconsin. A son, Harry C. Sloan, is a respected member of the Douglas county bar, and has served as a member of the popular branch of the legislature. Mr. Sloan practiced law at De Ruyter, New York, until 1854, when he removed to Beaver Dam, Dodge county, Wisconsin, where he ever after resided. Mr. E. S. Turner said in his address commemorative of the life of Mr. Sloan, that he came west, not because the field was not open, or the door had been closed to his advancement; that greater preferment than was accorded him in his adopted state awaited him on his native soil, where, though young, on every occasion he made a favorable test of the sentiment of the people of his native county, but his removal westward was

made to restore his physical health, which was never robust. "Indeed, he informed me, that when he left the east he was willing to make a covenant of perfect satisfaction if he could be insured a continuance of life with his family and friends and fair health for a period of ten years."

Mr. Sloan formed a partnership with H. W. Lander. In 1857 Mr. Sloan was a member of the assembly from Dodge county. In 1858 he was appointed by Governor Randall to fill a vacancy in the judgeship of the fourth circuit caused by the resignation of Judge Larrabee. He served in that capacity about ten months, when he was succeeded by John E. Mann, now and for many years past county judge of Milwaukee. The result of the contest between the candidates was close, Mr. Mann received 8,710 votes and Mr. Sloan 8,587. This election occurred in the spring of 1859. In the spring of 1860 Judge Sloan was placed in nomination as a candidate for chief justice of the supreme court in opposition to Luther S. Dixon, who sought a re-election. The result of this election, too, was close, Dixon receiving 58,508 votes against 58,113 for Sloan. In the fall of 1860 Mr. Sloan was elected to Congress. He was a member of that body for one term. Mr. Lander said in his memorial address on Judge Sloan that he was an active and earnest supporter of the Union, and freely devoted his time, services and means to the relief of the suffering and wants of the soldiers. "He was fortunate in being the personal friend of Lincoln, Seward and Greeley, all of whom extended to him their confidence and respect and held him in high esteem." At the expiration of his term in Congress Mr. Sloan resumed the practice of the law at Beaver Dam, and held some minor offices. In 1864 he was appointed clerk for the federal court of this state, which position he held about two years, when he resigned. In 1868 he was appointed county judge of Dodge county and later was continued in that office by election, holding it about six years in all.

Politically Judge Sloan was a republican until the division in that party which resulted in the nomination of Horace Greeley for the presidency. In 1873 the democratic or reform party of Wisconsin nominated Mr. Sloan for attorney general, and he was elected, and re-elected after two years of service. During this period the right of the state to fix rates of fare and freight was questioned by the railroad com-

panies and the attorney general was therefore charged with the duty of maintaining the power of the state to do so. Though Mr. Sloan does not appear to have personally argued the case of Attorney General vs. Railroad Companies, he doubtless gave it such time and attention as the other duties of his office permitted. His service as attorney general was satisfactory to the people of the state.

In 1881 the thirteenth judicial circuit was created, and Mr. Sloan was chosen by a convention, as against Patrick O'Meara and others, as a candidate for judge; his election, without opposition, followed, as did his re-election in 1887. In 1895 Mr. O'Meara contested with Judge Sloan before the people for the office of circuit judge, with the result that the latter succeeded by a vote of 8,190 as against 7,306. On April 8, 1895, Judge Sloan "solved the mystery of life and death and went from earthly courts to the great tribunal, there to receive the judgment of the Judge of all mankind."

H. W. Lander, president of the Dodge county bar association, and a long-time friend of Judge Sloan's, said of his character and services that the field was too broad to permit of his speaking of them at length, and made reference to the deceased as a man of great natural ability, unimpeachable integrity, "open as day to melting charity, full of the best and noblest impulses, commanding reverence and inspiring love. In his intercourse with the bar he was a model of fairness and courtesy; his mind was legal, logical, penetrative and broad, and well adapted to the discharge of the duties of the judicial office; he believed in the metaphorical maxim that 'he who hangs to the letter, hangs to the bark.' The charm of his character and conversation, pure, earnest and lucid, impressed one with the greatness of the man. His sense of justice was quick and humane; his manner was patient, kindly and courteous; and so gentle was he when compelled to impose punishment that he seemingly was more pained than the offender. He implicitly believed in the Bible, in its God, and in all its teachings as the foundation of the law and as the loadstar of life. He was bidden to lay off the judicial armor, and he obeyed the command in the inspiring faith that it was but a summons to a higher and nobler work.

"Of strong personality, tall (six feet, four inches), striking and of

commanding presence, sensitive in his nature, quiet and retiring in his manner, studious as far as his weak constitution would permit, he was appreciated and beloved by all who knew him. By fidelity to the court, by a diligent performance of his duties, by the integrity of his daily life he gained that position at the bar which justified his elevation to the bench. His large experience as a lawyer gave him great facility and resources as a judge. No rude or unkind word ever passed his lips. He was ever mindful of the courtesy which should be maintained between the bench and the bar; the youngest and least experienced received the same kindness and forbearance as the most able and most learned. Although he lived beyond the span allotted by the psalmist, his mental vigor remained strong and his faculties unimpaired; and without weary or exhausting sickness or slow gradations of pale decay, in accordance with his oft-expressed wish, the end came and our home and the foreign press, in startling lines, announced 'Wisconsin's giant jurist, dead.' "

Others of the bar of Judge Sloan's circuit, including S. S. Barney, James J. Dick, D. J. Hemlock, James E. Malone, Patrick O'Meara, T. W. Parkinson, George W. Sloan and E. S. Turner made eulogistic remarks at the bar meeting held at Juneau June 5, 1895. G. W. Hazleton, of Milwaukee, and E. P. Smith, of Omaha, Nebraska, in former days intimately associated with Judge Sloan, paid tender and beautiful tributes to his memory as a man, lawyer and judge. Charles E. Dyer, of Milwaukee, and John M. Thurston, of Omaha, Nebraska, sent letters of regret because of their inability to be present. On the 2d of September, 1895, S. S. Barney presented to the supreme court the memorial of the bar on the death of Judge Sloan, and paid eloquent tribute to his memory.

WARHAM PARKS.

Warham Parks was born on the fifth day of November, 1840, at Milwaukee, Wisconsin, and is, therefore, a native of this state.

He received an academic education and was fully prepared for college when the great civil war broke out. He first enlisted in the Oconomowoc guards, of which he was elected an ensign. This com-

pany dissolved and he became second lieutenant of Dane county guards, afterward company K of the third Wisconsin volunteers.

He was present with his regiment at the battles of Winchester, Cedar Mountain, Chantilly, South Mountain, Antietam (where he was wounded), Chancellorsville and Gettysburg. Afterward he came west with the twentieth corps and participated in all the operations of Sherman's army to the final surrender of Atlanta, during which time he was on many detachments in the inspector general's department. In November, 1864, he was appointed provost marshal general of the twentieth corps, in which position he served till the close of the war. He was respectively promoted to first lieutenant, captain, major, and brevetted a lieutenant colonel for gallant and meritorious service in the campaigns of Georgia and the Carolinas.

After the war Judge Parks pursued the study of the law, and was admitted to the bar in March, 1867. He has followed the profession at Oconomowoc, Wisconsin, since that date; has a large and wealthy clientage and always has been considered an unusually successful practitioner.

On the death of A. Scott Sloan, Judge Parks was, by Governor Upham, appointed his successor, and served as the judge of the thirteenth circuit from April 15, 1895, to June 1, 1896. His health has been such since said time that he has not resumed practice.

JAMES J. DICK.

James Jefferson Dick, present judge of the thirteenth circuit, was born in Westfield, Chautauqua county, New York, September 8, 1836; was educated in the common schools and the Westfield academy. In May, 1856, he came west and located at Beaver Dam, Wisconsin; there he taught school until 1860; was graduated from the Albany law school in 1861, and admitted to the bar of the higher New York courts. Returning to Wisconsin, he formed a partnership with H. W. Lander, which continued about three years. He continued to practice in Beaver Dam until his election to the circuit judgeship to succeed Judge Warham Parks, in 1896.

Mr. Dick has acted with the democratic party, but previous to being

elected judge had not held office, except the superintendency of schools of the city of Beaver Dam, a position to which he was annually chosen for twenty years.

August 5, 1862, Mr. Dick was married to Miss Helen M. Drown, of Beaver Dam.

THE BAR.

CHARLES ELDREDGE ARMIN.

Charles E. Armin, for the past fifteen years a successful practicing attorney of Waukesha, is a native of De Kalb, St. Lawrence county, New York, where he was born on the 27th of December, 1853. Lott W. Armin, his father, was long a farmer and dealer in live stock, the even tenor of his life being disturbed by more than two years of faithful service in the civil war. In the fall of 1862 he enlisted as a private, participated in fourteen battles and skirmishes, was twice wounded and was promoted for meritorious conduct.

Mr. Armin, the elder, was born at Watlas, near Beedel, Yorkshire, England, and came to America with his parents in childhood. His family is traced back to the time of Shakespeare, one Robert Armin being a member of the dramatic company of which the immortal bard was the controlling spirit. This Robert was also an author of some note, one of his literary productions which brought him reputation being "A Nest of Ninnies."

The mother of our subject (nee Abbie J. A. Eldredge) is descended from an old New England family. Her mother was a Howe and the old Howe tavern, which was built before the revolution and is now standing a short distance out of Boston, was erected by Colonel Howe, a great-uncle of her mother, and managed by him for many years. Charles A. Eldredge, one of the ablest men that Wisconsin has produced, was her brother. For many years Mrs. Armin was an active worker in movements of reform and philanthropy, and both she and her husband are leading members of the Presbyterian church.

Their son was of studious disposition, and yet very fond of hunt-

ing, trapping and fishing. Therefore, he developed symmetrically into a youth strong both in body and mind. When only four years of age he commenced his schooling, continuing his education in the common schools and at the state normal school, at Potsdam, New York. His course at the latter institution included two years of Latin and the higher mathematics.

But the young man's ultimate ambition was neither to teach nor to busy himself in a small, stationary eastern village. So that, after studying law for a time in the office of Judge H. L. Knowles, of Potsdam, he removed to Waukesha and completed his studies with Judge P. H. Carney, of the latter place. On February 7, 1883, he was admitted to the bar of the circuit court at Waukesha, and on September 24, 1885, to that of the supreme court. He has practiced continuously, conscientiously and successfully since then, Waukesha, his home, accounting him one of her able and popular citizens.

Mr. Armin opened his office as a practicing attorney on the 1st of May, 1883, and did not form a partnership until the spring of 1891, when V. H. Tichenor became his associate. The firm thus formed, Armin & Tichenor, continued for three years. During this period he held the office of district attorney for one term, and it is a matter of record that he never failed of conviction except when he entered the motion for a nolle pros. himself. He has also succeeded in placing upon the statutes the municipal court bills, which have been of great financial benefit to Waukesha county. Although requested to serve a second term as district attorney, he refused a renomination that he might devote his attention to his private business which, in the press of public affairs, had necessarily been neglected.

Mr. Armin has been retained in many important cases which are of interest because of the legal questions involved. In the case of Estey vs. Snyder, in which an organ company brought replevin against defendant to recover on the original chattel mortgage which had been satisfied by payments made to an agent, he conducted a strong and successful defense before the circuit court, his position being fully sustained by the supreme court to which an appeal was taken. The libel suit of Loibel vs. Breidenback established the important principle that

one who even ignorantly sanctions libelous matter and allows it to pass from his hands for publication is himself liable to the law. This contention, advanced by Mr. Armin in behalf of his client, was sustained by the higher court. The case of Evans vs. Foster and the contest over the will of Morris D. Cutler, who deeded his property to his half brother, James, are also illustrations of the character of litigation in which Mr. Armin has been engaged. In the former the claim was successfully advanced that a residuary legatee to whom land was devised subject to the lien of a legacy to another person and who sold the land, converting the proceeds to her own use, was personally liable for the payment of such legacy.

The contest over the will of the late Morris D. Cutler was lately disposed of upon appeal in the circuit court. At the time of making his will the decedent was about seventy-five years of age, being one of the first white men to locate in the vicinity of Waukesha. He had acquired a large property, being reported to be worth from one-half to a million of dollars. His wife died without issue, so that at the time of the making of his will he had neither wife nor children, but he had brothers and sisters, half brothers and sisters, and children who belonged to a deceased brother. He was a man of strong individuality, but with a limited education, and very eccentric and secretive about his business affairs. When his will was made he sent to Green Bay for an old friend, Malcolm Sellers, who had resided at Waukesha for many years before going to that city, and told him that he wanted a paper drawn up, which would deed his property to his half brother, James. The old friend returned to Green Bay and there dictated the terms of a will giving all of Mr. Cutler's property to that individual. The will was afterward executed, with all of the formalities required by statute, and the decedent kept it among his papers for some ten years thereafter. It appeared that he had given large sums of money to this friend who had the will drawn, without any security therefor; he had been subject to spells or fits, and it was claimed by his housekeeper, her daughter and daughter's husband that he had had one of these paroxysms a day or two before the will was executed, and that he was not accountable. A special verdict was submitted to the jury, which found that there was

no undue influence and that he was of sound and disposing mind at the time of the making of the will. A motion for a new trial was overruled by the circuit judge who tried the cause, with directions that the papers be remanded to the county court from which the appeal had been taken.

Mr. Armin says that he is a democrat, "as defined by the Chicago platform of 1896," but has never been actively engaged in politics. He has been a member of the Knights of Pythias for several years, having held the offices of prelate, vice chancellor, chancellor, commander and deputy. He is also identified with the Improved Order of Red Men, the Elks and the Modern Woodmen of America.

Married on the 15th of February, 1880, to Miss Flora Butterfield, Mr. Armin has two children—an infant son, Rex Kenneth, born January 11, 1898, and Cora Abbie, born August 31, 1882. The latter is an elocutionist of remarkable talent. She was awarded the gold medal by the state agricultural society for excellence in this department, when only eleven years of age, and it is perhaps not too much to say that no one of her years in the state is her superior as an elocutionist.

Mr. Armin himself, besides being an able lawyer, is a great lover of nature and of poetry, being a versifier of decided talent.

JOHN G. BACHHUBER.

John G. Bachhuber was born on the 8th of March, 1868, in Leroy, Dodge county; his parents were Max and Theresa (Engel) Bachhuber. The former, a farmer and merchant, was a native of Germany and came to the United States in 1846, settling at Farmersville, Dodge county, Wisconsin. His father (Martin) located at Milwaukee, where he became well known as a veterinary surgeon and brewer.

Max Bachhuber was a man possessed of more than ordinary abilities; for he was not only a successful farmer and merchant, but a legislator whose services were repeatedly recognized by his constituents in the councils of the state. He was a member of the legislature for three terms—1864, 1868 and 1874—and died in 1880.

It was in the very midst of his father's legislative experience that John G. Bachhuber commenced his career in this world. Until he was fourteen years of age the boy worked continuously on the family

farm. Afterward he commenced attending school, giving his vacations to farm work. Thus, for many years, he and his two younger brothers carried on a farm of one hundred and forty acres—not a small responsibility to be placed on such youthful shoulders.

When the young man commenced to devote his entire energy to the acquisition of an education, however, his progress was remarkable. In a short time he had graduated from the Mayville high school and was ready to commence his legal studies. Removing to Madison, he entered the law school of the state university, where the advantages are as broad as can be obtained anywhere in the west; he graduated therefrom in 1888 and was admitted to practice.

Returning to his home at Mayville, he commenced the practice of his profession, continuing thus for four years. Then (in 1892) he removed to Juneau, where he has since resided. During most of this period he has been in partnership with J. E. Malone, and the combination has been a remarkably successful one. In fact, it may be said that there is little important litigation in the county, either civil or criminal, in which the firm has not been engaged. Of the noted murder trials may be instanced those of Piosikowski vs. State, Zellmer vs. State and Johnson vs. State. In these cases Mr. Bachhuber, with other attorneys, represented the defendants and of three, two were acquitted.

In politics Mr. Bachhuber is a democrat. For two years he has been city clerk of Mayville, serving as alderman of Juneau three years and city attorney of the same place two years. He has also held the office of county judge of Dodge, filling the unexpired term of S. W. Lamoreaux—a record of which any man of thirty need not be ashamed. To that record it is perhaps needless to add that Mr. Bachhuber is a hard, methodical and able worker.

In religious belief he is a Roman Catholic, and, excepting his affiliation with the Knights of Pythias (which order he joined in 1895), is unconnected with any secret order.

Mr. Bachhuber was married at Mayville, in 1891, to Marie Devantier, a native of Germany, but, as her name implies, of French descent. Her ancestors were a portion of that great emigration of the Huguenots from France, which resulted from religious persecution and

which drained the country of so much of its best blood. These representatives of German and of French blood are now further represented by two bright children, Alice and Irene.

CHARLES BILLINGHURST.

This well-known lawyer of the last generation was born in Monroe county, New York, in 1818. His earlier years were passed upon his father's farm, with but limited opportunities for education; but such as he had were well improved, and his scholastic attainments were all they could have been without other or better advantages. He read law and was admitted to the bar in Rochester, New York, and formed a partnership with Henry R. Selden, afterwards a judge of the court of appeals of New York. In 1845 his health obliged him to abandon the practice, as it did a second time before 1847. Being compelled to seek a change of climate he removed, in 1847, to Wisconsin, and settled at Juneau, Dodge county, where his practice became extensive and profitable. "His abilities as a lawyer were of a high order. He was learned, eloquent and astute, at the same time dignified and urbane. In the severest conflicts of the forum he never forgot the courtesies of a gentleman. His brethren of the Dodge county bar, who were his contemporaries, still lament the loss of a recognized leader, whose assistance was always welcome and whose antagonism summoned forth their best resources and strongest powers of resistance."

Mr. Billinghamurst was a member of the popular branch of the first state legislature; in 1852 was a presidential elector and cast his vote for Franklin Pierce for President, and during the six years preceding 1854 held various local offices; in that year he was elected to Congress and re-elected in 1856. His political affiliations were changed about the time the civil war broke out, and he became an active supporter of President Lincoln and the war measures of his administration. Mr. Billinghamurst died at Juneau, August 18, 1865.

MICHAEL E. BURKE.

Another very notable instance of the possibilities before American youth, when determination and a capacity for hard work are united,

may be found in the career of this lawyer and public man who has been able to do the state, as well as his own district, much and appreciable service.

Michael E. Burke is of Irish descent and his grandfather, John Burke, spent his life in the Green Isle, which his father, Michael Burke, left in 1837. For many years the last named followed the occupation of a laborer, but in 1856 he moved to Beaver Dam and, marrying Ellen Foley, also of Irish descent, took up farming, in which he remained until the time of his death in 1892.

Michael E. Burke was born at Beaver Dam, October 15, 1863, and was still a child of four when his mother died. His earlier education was obtained in the district school of the town of Beaver Dam, his father's farm being two miles outside the city. At fifteen he entered Wayland academy, from which he graduated in June, 1884, and afterwards attended the law school at Madison. His legal studies, however, were chiefly pursued under Judge Elwell, at Beaver Dam, and in December, 1887, his examination was successfully passed before the state board of examiners, and he was formally admitted to the bar. He immediately formed a partnership with Judge Elwell.

Mr. Burke's earlier practice was of a rather arduous description, for, in addition to his legal duties, he lived with his father on the farm outside of the town and used every endeavor to help him in the necessary working of the same. His father's financial expectations in the farming line, however, were not destined to eventualize.

Association with Judge Elwell continued until his death, in 1893, following which Mr. Burke practiced alone until December, 1895, when the partnership with B. F. Babcock, which still exists, was formed. Mr. Burke, in addition to a large general practice, has taken part as associate counsel in several notorious murder trials, and has also been engaged in most of the important litigation in Dodge county.

Always a democrat in his political connections, Mr. Burke's standing with his party was recognized in 1888 when he was elected justice of the peace and was re-elected to that office in 1890, in which year, also, he was elected to the popular branch of the legislature. There, as has been mentioned previously, he did good service as a member of com-

mittee on claims and also in 1891 as chairman of the committee on expenditures. He was honored with re-election in 1892, and became a member of the committee on retrenchment and reform, while in the following year he was on the judiciary committee. In 1894 he was elected to the senate from the thirteenth senatorial district, comprising Columbia and Dodge counties, and here he also made himself a power to be reckoned with. His own town has given him further honor for, elected city attorney in 1893, he has held that position uninterruptedly since.

Mr. Burke is a member of the Odd Fellows, in which body he has filled all offices in the subordinate lodge.

HOPEWELL COXE.

Hopewell Coxe was born in Northumberland, Pennsylvania, June 28, 1812; his education was limited to such as the common schools afforded; read law in Williamsport, admitted to the bar and practiced there until 1842; removed to, and resided in, Kentucky about three years; in 1845 removed to Wisconsin, remained in Milwaukee for a time and settled at Cedarburg, Washington county, in 1846, and was elected county judge the same year; held that office eight years; was a member of the first constitutional convention; rendered valuable service in that body; "possessed more than average abilities, and was highly respected by his associates." In 1854 Mr. Coxe removed to Hartford, Washington county, at which place he died June 16, 1864.

JAMES B. HAYS.

Mr. Hays was a native of Pennsylvania, having been born in Crawford county, September 10, 1840. His family came to Wisconsin in 1847 and settled at Ashippun, in Dodge county. He was educated in the public schools, the college at Delafield and the Wisconsin state university; read law at Horicon. From January, 1863, to January, 1867, was clerk of the Dodge county circuit court; was admitted to the bar in 1865; in 1867 was a member of the assembly; in 1874 was elected district attorney of Dodge county; in 1877 was the democratic candidate for secretary of state, but failed of an election as did his associates on that ticket. July 1, 1885, Mr. Hays was appointed chief

justice of the supreme court of the territory of Idaho, and, apparently, held that office until sometime in 1888. Whether he died while a member of that court is not positively known, but the writer understands that such is the fact. His written opinions are in volume 2, Idaho reports.

EDWIN HURLBUT.

Edwin Hurlbut, a prominent lawyer, editor and humanitarian of Wisconsin, was born in Newton, Connecticut, on the 10th day of October, 1817. His parents, Philander and Julia (Thomas) Hurlbut, were also natives of Connecticut, the family in America being founded by three brothers who came to this country on the Mayflower. Mr. Hurlbut's grandfather, Thomas, was a major of the revolution, and, moreover, a physician in good standing, while his father served with credit in the war of 1812.

When Edwin was a boy of seven years his parents removed to Bradford county, Pennsylvania, where his father prospered both as a farmer and a lumberman. For the succeeding seven years he busied himself in attending the common schools of that place, after which he spent a year in Newark, New Jersey, and some time in Michigan. By this time he had determined upon the study of law, and, returning east, entered the offices of Governor Maynard, in Lodi, Seneca county, New York, and of David Willmott, Towanda, Bradford county, Pennsylvania. After the election of the latter to a seat in Congress, Mr. Hurlbut completed his studies with Judge William Elwell, of the same town, where he was admitted to the bar in 1847. He secured admission to the bar of Michigan in 1848, and, after a period of indecision as to where he should permanently locate, he removed to Oconomowoc in 1850. Admitted to the higher courts of both the state and the United States (United States supreme court in 1886), Mr. Hurlbut has been retained, during nearly half a century of practice, in most of the important cases which have been tried in his section of Wisconsin. He first opened an office at Towanda, Pennsylvania, and practiced for a time in Ingham county, Michigan, before removing to Oconomowoc, being alone not only during this period but during most of his professional experience in Wisconsin. The two exceptions to the general rule were the admission

to partnership of Warham Parks, who had studied law in his office, and of C. H. Van Alstyne, both able and prominent members of the profession.

For fifty years Mr. Hurlbut has been an office holder or a public man in varied fields of action, and whatever duties have been intrusted to him have been promptly and acceptably filled. At the commencement of his practice, at Mason, Ingham county, Michigan, in 1848, he was appointed both postmaster and district attorney, and in 1849 became judge advocate of the Michigan state militia with the rank of colonel. Settling in Oconomowoc in April, 1850, in a short time he was appointed attorney of the Milwaukee, Watertown & Madison plank-road, and subsequently served the Milwaukee, Beaver Dam & Baraboo railroad (now a branch of the Chicago, Milwaukee & St. Paul railroad) in a like capacity. He was elected district attorney of Waukesha county in 1856, and also in 1873, holding that office two terms, and at the outbreak of the rebellion was appointed colonel on Governor Randall's staff. Colonel Hurlbut was an active and efficient recruiting officer, freely giving his services in obtaining bounties and subsequently pensions. Going to Washington with the fourth Wisconsin infantry, he served in the state commissary department, as an inspector of the troops and as governor's aid. In 1862 he was appointed deputy United States marshal, with the powers of a provost marshal, and afterward was offered the command of a Wisconsin regiment, which he declined.

Mr. Hurlbut is one of the founders of the republican party. Originally he was a Jeffersonian democrat, and in 1844 assisted his father to peddle presidential tickets in the interest of Andrew Jackson. He advocated the election of Polk and of Cass, and after his removal to Wisconsin was a free soil democrat. He continued to act with that party until the Glover rescue of 1854, when he joined with Sherman M. Booth in the calling of the famous convention at Madison which declared against the extension of slavery. It was upon Mr. Hurlbut's motion that the political organization then formed was called the republican party, and he was named as a delegate to its first convention which nominated General Fremont for the presidency. Until the nomination of Grant he continued to uphold the party, of which he was one of the

chief sponsors, when he abandoned the organization to support Horace Greeley. From that time until 1890 he affiliated with the democratic party, but during the year named again became a republican. Since residing in Wisconsin he has been actively identified with the campaign committees of the state, whether democratic or republican.

With the exception of one term in the assembly (1869), Mr. Hurlbut has held no office which may be called purely political, although for fourteen years he has served either as trustee (president, a portion of the time) of the village of Oconomowoc, or as clerk of its school board. He has also been alderman several times and is now president of the board of education. While an assemblyman he was chairman of the committee on federal relations and a member of other committees. From 1870 to 1878, however, he became known in the field of reformatory institutions, representing Governor Fairchild at the international congress on penitentiary and reformatory discipline. In 1872 he was a delegate to the international penitentiary congress, London, England, and in 1874 he became a member of the national prison congress, held in St. Louis. At the latter session he was elected one of the trustees and placed on the committee on criminal law reform, and in 1875 he became a trustee of the national prison association of New York, being named a member of the committee on discharged convicts. In 1878 he was appointed a member of the board of managers of the Wisconsin state industrial school. It will thus be seen that Mr. Hurlbut has acquired a national and international reputation in the domain of prison reform. It may be added that his broad reputation is not more theoretical than practical, and that this fact was well illustrated in his management for seven years of the state industrial school at Waukesha. During this period he not only brought the institution to a high state of discipline and usefulness but succeeded in abolishing therein the system of corporal punishment.

In fact, whether in local, state or national affairs, whether within the limits of his own profession or in the limitless fields of humanity, Mr. Hurlbut has ever been at the front. For many years he has held the position of court commissioner and has long served and is now vice president of the state bar association; and, as if it were not enough that

he should have made such an enviable record as lawyer, reformer, executive and statesman, since 1875, when he came into possession of the Wisconsin Free Press, he has established himself as one of the leading journalists of the northwest, having been honored for several terms with the vice presidency of the Wisconsin state press association, which position he now holds, and was vice president of the national editorial association for two years.

Mr. Hurlbut is also a Mason of high rank (thirty-second degree), a member of the Scottish rite, Knights Templar, and a Noble of the Mystic Shrine. His first wife was Miss Catherine Chandler, to whom he was married October 10, 1840, and by whom he has had three children, now living—Mrs. J. A. Hassell, Henrietta C. Hurlbut and Mrs. O. K. Borden, of Leslie, Michigan. Mrs. Hurlbut died April 6, 1864, and he was married to Miss Maggie E. Spearing, a New Orleans lady, the daughter of John F. Spearing, of Louisiana, October 14, 1886. By this union there are two children—Edwina and Margie Spearing Hurlbut.

MARTIN L. LUECK.

Martin L. Lueck was born in Juneau, the town in which he is now practicing his profession, on July 24, 1872. He is of German descent, his father, F. William Lueck, having left Europe with his parents in 1853 and made a settlement in Dodge county. The grandparents of the subject of this sketch having fallen victims to cholera, his father, shortly afterwards, moved to Milwaukee, and there made himself master of the shoemaker's trade. When the war broke out he did his duty by the country of his adoption, enlisting August 14, 1862, and serving in company A, 26th Wisconsin volunteers, until his regiment was mustered out on June 13, 1865. Then resuming his business, he threw into it such energy that it grew and prospered until he became recognized as among the leading merchants of his town. He married Phillipine Scheur, who became the mother of Martin L., the subject of the present sketch.

His earlier education obtained in the common schools of his native town, young Martin later attended its high school. Having found employment for two years as bookkeeper for the Juneau Manufacturing

company, he at last determined to study law and with that purpose in view he entered the law department of the university of Wisconsin, graduating therefrom in 1894, and in the same year being admitted to practice at Madison. In the fall of 1894 he opened an office at Juneau, where he has since followed his profession alone.

Quickly succeeding in showing himself possessed of superior abilities, Mr. Lueck speedily made his mark. For one so young in years he has been connected with a great many notable cases of more than local importance, and among such may be mentioned the William Zellmer murder trial, in which, as junior counsel—his senior being absent—he was called upon to handle the case, and secured an acquittal. Also the Baker will contest, possibly one of the most important cases of its kind that has occurred in the state, and in which, as in the others, he acquitted himself in such a manner as to earn unqualified praise.

An active member of the democratic party, his allegiance to his party and considerable faithful work was recognized in his appointment for two years as city attorney of Juneau.

In his religious views he is associated with the Reform church, and since 1896 he has been a member of the Knights of Pythias.

His honest hard work, his high character and his abilities have made him highly esteemed in his community, and indeed it may be said, without fear of contradiction, that there are few if any men of his age in the state who can point to as good a record.

JAMES E. MALONE.

There are few criminal lawyers in the state whose success has been more uniform than that of James E. Malone. To use a homely but expressive phrase, "things come his way"—the true explanation being that he uses his best ingenuity and his strongest efforts to force circumstances to his liking. Although a young man, as professional ages run, he has reached a position to which many of his elders might aspire, proof of which assertion is found in the following facts.

John Malone, the father of James E., was born in Ireland, and emigrated to America when but sixteen years of age and settled at Malone, Franklin county, New York. Here, in the spring of 1850, he

married Mary McCabe, whose parents lived near that town. Two years thereafter the young couple removed to Beaver Dam, Wis., where the father has since resided, and where James E. Malone was born, on November 7, 1853.

Mr. Malone was a man of enterprise, including within his activities the avocations of the merchant, the brick manufacturer and the farmer. At first the boy attended the public and parochial schools of Beaver Dam, but, according to his own statement, took more pleasure in shooting pennies out of split sticks with the Indian boys than in acquiring an education. With years, however, his ideas in this regard changed, and by the time he became a student at Wayland academy and St. Francis seminary he had settled down to the business of deriving every possible benefit from his educational advantages.

Mr. Malone commenced the study of law in the office of Judge Edward Elwell, at Beaver Dam, and was admitted to the bar at Juneau, in September, 1877. He commenced practice at the former place, but removed to Juneau in January, 1879, in order to assume the position of clerk of the court, to which he had been elected during the previous autumn. He practiced alone in Juneau until January, 1894, when he formed a partnership with John G. Bachhuber, which still exists. He also has a branch office at Beaver Dam, conducted with C. C. Miller, who became his associate in the spring of 1896.

As has been intimated, Mr. Malone's specialty is criminal law. He prosecuted Alexander McCloud for murder in 1885 and William Saars for the same crime in 1886. During the same year he participated in the apprehension, trial and conviction of Frederick Hempel for embezzlement. He was also identified with the Stonemitz and Pitcherkoski poisoning cases and with the following suits: Allard vs. Northwestern Railway Company; Mrs. Kreutziger vs. Railway Company; State vs. Eugene Sweeney, assault with intent to kill, and State vs. Zellmer, murder.

Mr. Malone reports that he was born a democrat and is still a democrat. He was elected clerk of the town of Beaver Dam in the spring of 1875 and was re-elected in 1876. In the fall of 1878 he was chosen clerk of the circuit court of Dodge county, being re-elected in

1880 and 1882. He served as district attorney in 1884 and became mayor of the city of Juneau in 1897. The above, a bare enumeration of the offices held by Mr. Malone, is sufficient to indicate his standing in the community. It may be added that he is a prominent member of the Roman Catholic church, the Catholic Knights of Wisconsin and the Knights of Pythias.

Mr. Malone was married to Mary A. Burke, on June 1, 1881; the children are Mary Patritia, Rachel Isabel, James Francis, Alice Madeline and Donald A.

ERNST MERTON.

Ernst Merton is a native of Prussia, having been born August 9, 1848, near the city of Berlin. His parents emigrated to America in 1856, and located in Milwaukee, the parochial schools of which city Ernst attended until he reached his fourteenth year. He then obtained employment on a farm, and increased his store of knowledge by attending a night school. But under these conditions he could not obtain such an education as he desired, so at about the age of twenty-four he entered the employ of a sewing machine company, with whom he remained for five or six years. In the meantime he began the study of law, not in a law office, for he was entirely dependent upon his own exertions for his subsistence, and therefore could not afford the time such a course would require, but he devoted such hours to its study as the duties of his occupation would permit. Later he studied with a Mr. Merrill of Walworth county, where he was admitted to practice in 1877. He entered upon his professional career at Burlington, Wisconsin, where he continued to practice most successfully until 1889. Part of this period he was alone, and part he was associated with a Mr. Kearney, under the firm name of Merton & Kearney. Upon leaving Burlington he located at Waukesha and formed a legal partnership with T. E. Ryan of that place.

Mr. Merton has been brought very prominently before the public by reason of his ability as a criminal lawyer, and his identification with several of Wisconsin's most celebrated murder trials. He was counsel for the defense in a celebrated murder case in Waukesha county

in 1884. His client had two trials which both resulted in his acquittal. In 1892 he defended successfully the case of the State against Anton Voght. This trial, which will be remembered as attracting a great deal of interest at the time, resulted, as did the one we have just cited, in a verdict of acquittal. Mr. Merton on one occasion aided the prosecution in a murder trial in Waukesha county, having been appointed by the court to assist the district attorney in an action for murder brought by the state against one Bernhardt. Mr. Merton won this case and secured a verdict of murder in the first degree. Every murder trial for which he has been retained he has won, and in all cases of his very large criminal practice, he has almost invariably obtained a verdict of acquittal, although frequently compelled to carry the case to the supreme court for final adjudication. As "peace hath her victories no less renowned than war," so with Mr. Merton in the wide field of civil jurisprudence; for here he has been equally successful. In the two celebrated Hygeia water cases he appeared for the city and some land owners. The first of the cases involved the validity of a franchise granted by the village of Waukesha permitting the water to be piped out of the village. He won in the lower court. His adversary appealed to the court of last resort, where the decision was affirmed. The second case was one where the same parties who had previously been defeated attempted, under the name of the Wisconsin Water Company, to condemn lands for the purpose of pumping water through pipes to Milwaukee and Chicago. In this case he was defeated in the lower court, but upon his appeal to the supreme court that tribunal reversed the decision and instructed the trial court to dismiss the proceedings. Mr. Merton has also been counsel in several very important life insurance cases, and in each and all of them has been victorious. In fact, throughout his entire legal career he has been very successful, and lost but very few cases entrusted to his care.

Mr. Merton's success may be attributed to honest toil, careful and painstaking research and close application. He is considered by those who have watched his professional career to possess an analytical legal mind, a fact that is proven by his many victories at the bar.

Mr. Merton is a prominent member of the orders of Odd Fellows

and Knights of Pythias. In politics he is a pronounced democrat, and during the period of his residence in Burlington was elected on his party's ticket to the office of president of the village nearly every year that he lived there. In 1884 he was the democratic candidate for Congress in the first Wisconsin district. In religious matters he is a believer in the doctrines of the Baptist church.

Mr. Merton was married on the 2d day of February, 1868, to Miss Evelyn Adams, of East Troy, Walworth county, Wisconsin. Of this union have been born three children: Bella, Lillian M. and Hal.

ANTHONY B. ROGAN.

Anthony B. Rogan comes of good Irish stock, and is a son of James and Nancy Rogan. His mother's maiden name was Carney; both parents were natives of County Mayo, Ireland, where his father was born in 1808 and the mother ten years later. In 1838 they were married, and in 1840 together the two dared fortune across the Atlantic and found a settlement in New York state, near Saratoga Springs. Four years afterward, however, circumstances induced them to return to Ireland; but like many others they discovered that American conditions held the advantage, and in 1848 a return was made to the United States and a temporary home found in Boston. Twelve months later they went to Cincinnati, where they remained until 1850, then going west and settled at the town of Oconomowoc, Wisconsin, where they remained till 1854, in which year another change was made to Dodge county, a settlement being made on an 80 acre tract of wild land, purchased by the father shortly before. Here, after wandering so far together, they passed an honored and peaceful life and crossed to the great beyond in the same year, the mother dying September 24, and the father on November 11, 1880. Ten children were born to them, the subject of this sketch being the youngest son and the youngest living child. He was born in the town of Lebanon, Dodge county, Wisconsin, June 20, 1858. It was in the common schools of that county that Anthony B. Rogan received his early education. He taught school in winters from 1876 to 1888; during the summer months he worked on his father's farm. He managed to save sufficient money to carry



J. E. Ryan

him through college and the law school. The summers of 1876 and 1877 he attended the Sacred Heart college at Watertown, Wisconsin. His profession decided upon, in September, 1889, he entered the law department of the university of Wisconsin, from which he graduated in 1890. Having successfully passed his law examination, he was admitted to the bar of the Wisconsin supreme court and the federal court for the western district of Wisconsin, June 25 of that year. In the following year Dodge county, where all his previous life had been spent, was left and he moved to the city of Oconomowoc and immediately started out for himself and opened up an office. A partnership was formed in 1893 with his brother-in-law, William Fleming; this continued until May, 1895. The character of Mr. Rogan's practice was general, and he has taken part in much of the more important litigation in Waukesha county, and with most gratifying results as regards success in the cases that have been entrusted to him. Democratic in his political opinions, his first vote was cast for Hancock in 1880, when the last named ran for President. Mr. Rogan has stood and stands high in the councils of his party. For 1881 and 1882 he was town clerk of Ashippun, Dodge county, and in 1884 was assessor of the same town. From 1893 to 1895 he was justice of the peace, and in 1895 was elected municipal judge of the western municipal district of Waukesha county for a six years' term. He was a candidate in a republican district on the democratic ticket, the contest being a three-cornered one and his plurality over the next highest of his opponents being forty-one. Judge Rogan is a Roman Catholic, a member of the Catholic Knights of Wisconsin, and a bachelor.

TIMOTHY E. RYAN.

Timothy Edward Ryan was born in the town of Greenwich, Washington county, New York, on the 10th day of January, 1859, and is a son of Jeremiah and Johanna (Cronin) Ryan, the former a farmer by occupation. Young Ryan attended a school at Greenwich until 1872, when his father removed with the family to Wisconsin and located on a farm north of the village of Pewaukee. Here the lad at once

commenced his studies in the public schools, and supplemented his early educational training with a course in the Spencerian business college of Milwaukee. During the winter seasons of the succeeding six years he taught in the public schools of Waukesha county, and afterward, having decided to enter the field of jurisprudence, he became a student in the law office of Van Dyke & Van Dyke, of Milwaukee. Here he remained for one year and then took a law course in the Wisconsin state university, at Madison, graduating at that institution in the class of 1885, after which he at once entered upon what was destined to prove a most lucrative practice. He formed a partnership with P. H. Carney, of Waukesha, which continued for four years, and upon its dissolution he became associated with E. Merton, of Burlington, Wisconsin.

In his profession he has displayed ability of a high order, of quick perception, possessing a subtle power of discrimination and sound practical judgment in the discussion of legal principles; he is lucid in his statements, logical in his arguments and forcible in his conclusions. His professional career in Waukesha has been continuously successful and there are few important cases with which he has not been identified, either directly or indirectly. The noted divorce case of Wheeler vs. Wheeler was taken by him twice to the supreme court of the state. In the State of Wisconsin vs. John Henry Phillips, the defendant being charged with arson, Mr. Ryan was appointed assistant to the district attorney. He was also chairman of the citizens' committee that fought the pipe line scheme, being also counsel in the litigation resulting therefrom. As assistant to the district attorney in the murder trial of the State vs. James Butler he also greatly added to his reputation as a powerful pleader before the jury and an astute criminal lawyer. He was leading counsel in the Fabacher will contest, winning his suit in both the county and circuit courts, the case still pending in the supreme court. Mr. Ryan is also identified with the litigation over the Morris D. Cutler will, involving about \$250,000. As may be inferred from a consideration of the above mentioned cases, he is equally successful whether engaged in the practice of either criminal or civil law, which implies an unusual versatility of legal ability.

In addition to his law business Mr. Ryan has other interests. He is president of the Waukesha Beach Land Company, a member of the firm of Hardy & Ryan, abstractors, and president of the National Manufacturing Company of Buchanan, Michigan.

In his religious faith he is a Catholic, a consistent member of the church and holds membership with the Catholic Knights of Wisconsin and the Catholic Order of Foresters. Politically he is a stanch believer in the principles and doctrines of the democratic party, and is one of the most prominent of its younger members in the state. For five years he held the office of town clerk of Pewaukee, and since his removal to Waukesha he has been a delegate to numerous party conventions, where he is always one of the leaders, his opinions being received with consideration. In 1886 he was candidate for district attorney of Waukesha county, and in 1889 was elected city attorney; he was also, in 1888, the democratic candidate for attorney general of Wisconsin. In 1890 he received the support of the Waukesha delegation at the congressional convention held in Juneau, Dodge county, and in 1892 came within one vote of receiving the nomination for Congress in the convention held at Cedarburg, Ozaukee county. In 1898 he was enthusiastically supported by a very large majority of the delegates to the democratic state convention as a candidate for governor. The esteem in which he is held by members of his party is thus readily observed.

In 1895 Mr. Ryan was appointed postmaster of Waukesha by President Cleveland; a position which he still holds. However he has not permitted the duties of the office to interfere with his large practice any more than necessary.

On the 5th of October, 1887, Mr. Ryan was united in marriage to Miss Mary Bannon, of Waukesha, and three daughters and two sons have been born of their union, namely: Marguerite, Katherine Frances, Agnes Josephine, Paul Joseph and Timothy Edward, Jr. In all the relations of life Mr. Ryan has ever been an honorable, upright gentleman, and his public and private life is alike above reproach.

GEORGE W. SLOAN.

George W. Sloan was born at Farmington, Jefferson county, Wisconsin, on the 24th day of January, 1850, of good old Irish stock. His father, P. D. Sloan, was a great-grandson of Margaret Lee, whose large estate in the county of West Meath, Ireland, was confiscated at the time of the invasion of Cromwell, but who retained, until the time of her death, the prerogative long enjoyed by her family of saving one life from the gallows each year. His mother, Ann Killoy Sloan, was a lineal descendant of Hugh O'Niell, the Red Hand of Ulster; her great-grandfather, Niell Brown, had command of the pike men at the siege of Droghida on September 10, 1649, and perished with his comrades in that historic battle.

Mr. Sloan comes of a long lived family, particularly on his mother's side, his grandmother, great-grandmother and great-great-grandmother having lived to the respective ages of one hundred three, one hundred seven and one hundred eleven. His mother died at Juneau in 1887 and his father in 1891, each having completed more than four score years of honest, faithful toil.

Mr. Sloan spent the most of his time on his father's farm in the town of Watertown until he was twenty years of age, going to school and teaching in the winter, and working on the farm in summer. He entered the high school at Watertown in 1864 and graduated in 1867, walking from the farm every night and morning, a distance of four miles. He entered the law office of Enos & Hall at Watertown in 1867, and read law until October, 1870, when he entered the law department of the Michigan university and graduated therefrom in 1873.

In 1874 he accepted the position of principal of the Juneau high school, which he occupied until 1876.

He was admitted to the bar in his native county of Jefferson in 1875 before Judge Conger, but an attack of inflammatory rheumatism, with which malady he had been afflicted for several years, prevented his engaging in the active practice of his profession until March, 1879, when he opened an office at Juneau and has been there ever since.

By industry and perseverance he has built up a substantial prac-

tice, and for several years has enjoyed the distinction of being one of the ablest jury lawyers of the Dodge county bar. Mr. Sloan filled the office of district attorney of Dodge county from January, 1893, to January, 1897, and during his administration of that office he was instrumental in sending fifty-two convicts to the state penitentiary. He has also served in the capacity of court commissioner and register in probate, and has been public administrator of Dodge county since 1885.

In politics Mr. Sloan is a democrat. He took an active part in Cleveland's three campaigns, and is still an enthusiastic believer in the wisdom of the political policies of the ex-president.

On November 15, 1880, Mr. Sloan was united in marriage to Matie A. Kelsey, a daughter of one of the earliest pioneers of Wisconsin. Four girls have been born of their happy union: May E., who died in childhood, Loretta J., F. Josephene and Grace G., who are living, and who enjoy considerable distinction for their musical talent.

Mrs. Sloan is a notary public and devotes the most of her time assisting her husband in the office.

ADELBERT S. TULLAR.

Born at East Troy, Walworth county, December 20, 1857, Mr. Tullar comes of New York ancestry, both his parents, Sidney B. and Ruth (Bromaghin) Tullar, being natives of that commonwealth. His father was a farmer, but seemed thoroughly imbued with the military spirit, being commissioned a colonel in the state militia by the great Silas B. Wright. Coming to Wisconsin in 1842, upon the breaking out of the civil war he enlisted in company B, sixteenth Wisconsin infantry. After the battle of Shiloh, in 1862, he was mustered out of the service, on account of sickness, and the resulting fever dragged along, with intermissions, for nearly two years.

In the meantime Adelbert commenced to attend the district schools, followed by a training in the higher branches and a course in the law department of the state university. As his means were extremely limited, however, he was obliged to follow the carpenter's trade for three years before he possessed a sufficient fund to enable him to pursue his legal studies. He was for three years also in the office of E. T. Cass,

East Troy, so that when he graduated from the university, in 1881, he was well qualified, both theoretically and practically, to assume the duties of his profession. He at once commenced practice in the office of D. H. Sumner, Waukesha, but in 1882, forming a partnership with D. J. Hemlock, removed to Port Washington. When Mr. Sumner was elected to Congress the firm transferred the scene of its professional activities to Waukesha, and a combination was formed under the name of Sumner, Tullar & Hemlock. After two years Mr. Hemlock withdrew and the firm of Sumner & Tullar continued for five years, until 1890, since which time Mr. Tullar has practiced alone.

He has been engaged in a large number of important cases, that of Sweet & O'Connor vs. Cunningham et al., involving over 5,000 acres of school lands, attracting wide attention. The supreme court entertained a motion for a new trial in the case, although the original action was brought in that body.

Mr. Tullar has always been a republican. He has filled the offices of city attorney, district attorney (elected 1890) and municipal judge, being chosen to the last named position in 1895, for a term of six years. He also takes a constant interest in the Masonic order, the Elks and the Knights of Pythias.

In 1886 Mr. Tullar was united in marriage, at Chicago, to Miss Jessie Medbery. They have two children, Maurice Sidney and Robert Jackson Tullar.

CHAPTER XXIX.

THE FOURTEENTH CIRCUIT, ITS JUDGE AND LAWYERS.

In 1883 the legislature created the fourteenth judicial circuit out of the counties of Door, Brown, Oconto and Marinette. The election for judge was held on the first Tuesday in May, 1883, and resulted in the choice of Samuel D. Hastings, Jr., who, by repeated re-elections, continues to be judge. He entered upon his duties on the first Monday in January, 1884. The boundaries of the circuit remain as above stated.

THE BENCH.

SAMUEL D. HASTINGS, JR.

Mr. Hastings is a native of Pennsylvania, having been born in Philadelphia June 19, 1841. In 1845 he came west with his parents, locating at Madison, Wisconsin. He was graduated from Beloit college in 1863, and from the law school at Albany, New York, in 1865. Previous to attending that school Mr. Hastings had "read law" with Abbott & Hutchinson of Madison. In 1865 he entered upon the practice of the law there as a partner of Elisha W. Keyes; in August, 1867, removed to Green Bay and formed a partnership with E. H. Ellis; about a year later George G. Greene was added to the firm, which remained unchanged until the election of Mr. Ellis as circuit judge in 1871. From that time until January, 1884, Messrs. Hastings and Greene continued to be partners. At that time Mr. Hastings became judge of the newly created fourteenth circuit, a position to which he has been twice re-elected and which he now holds.

After the death of Chief Justice Ryan Judge Hastings was strongly supported by the bar and people of northern Wisconsin for appointment to fill the vacancy. In 1895 Governor Upham tendered him the appointment of justice of the supreme court to fill the vacancy caused by the death of Judge Orton. A complication of circumstances seemed to render it unadvisable for him to accept the position, and it

was, therefore, declined. The fact that the appointment was made and the supposition that it would be accepted led the bar and press generally to give their hearty endorsement to the selection. Upon the death of Judge Newman in 1898, Judge Hastings was strongly urged to be a candidate, and was indirectly notified by the executive that he could have the position if he would accept. For substantially the same reasons that made it seem best to him to decline Governor Upham's offer, he again declined to be a candidate. In view of Judge Hastings's long service on the circuit bench and the fact that his services as a member of the supreme court have been in demand, it is superfluous to add anything by way of comment on his judicial career. At the bar he maintained a high position and was entrusted with as important business as any lawyer in the northern portion of Wisconsin. The firm of Hastings & Greene was widely and favorably known, and its services were in constant demand.

In politics Mr. Hastings has always been a republican, but has never been a politician or taken an active part as a partisan. His elections to the bench have been on the non-partisan basis. He has been actively interested in educational matters and has served the city of his residence as president of the school board; has been president of the board of directors of the Kellogg public library of Green Bay since its organization in 1888. For several years he was a special lecturer on the subject of taxation in the college of law of the state university.

Mr. Hastings has been twice married—first to Mary C. Kendall of Beloit, Wisconsin, who died in 1868; second, to Hetta Sue Clapp of Kenosha. He has three children living, two daughters and one son.

THE BAR.

H. O. FAIRCHILD.

Hiram Orlando Fairchild, now of the firm of Greene, Vroman, Fairchild, North & Parker, of Green Bay, was born in Newtown, Fountain county, Indiana, August 14, 1845. He graduated at Wabash college, Crawfordsville, Indiana, from the classical course in 1866 with the degree of B. A., and three years later received therefrom the degree of



Geo. D. S. S. S.

M. A. In 1866 Mr. Fairchild went to Fort Kearney, Nebraska, to look after certain business interests of the late Judge Levi Hubbell, and remained there until the spring of 1867, when he removed to Wisconsin. His preparation for admission to the bar was made in the office of his brother, John B. Fairchild, at Oconto, Wisconsin, and he was admitted in Oconto county in May, 1870. Subsequently he was admitted to the bar of the supreme court of the state and of all the federal courts, including the supreme. Mr. Fairchild began to practice at Marinette, Wisconsin, where he and his brother formed a partnership in 1874. He continued in that partnership until shortly before his removal to Green Bay in 1895, to become a member of the firm of Greene, Vroman & Fairchild, since changed as stated.

On the organization of Marinette county in 1879 Mr. Fairchild was appointed its district attorney, a position held by him fourteen consecutive years. In 1883 and in 1885 he was a member of the assembly, serving as speaker during the latter session. Mr. Fairchild is a republican in politics and in 1888 was one of the delegates at large to the republican national convention.

Mr. Fairchild's career as a lawyer has been a successful one and in every way worthy of the ability, industry and character of the man. He has won an enviable place at the bar by displaying qualities which have commanded respect. He is a worthy member of a firm which has high standing for integrity and ability. As a legislator and presiding officer he made an excellent record.

GEORGE G. GREENE.

Mr. Greene is the senior member of the firm of Greene, Vroman, Fairchild, North & Parker, of Green Bay. He was born at Brockett's Bridge, Herkimer county, New York, November 18, 1843. His parents were Nathan S. and Elizabeth (Griswold) Greene, the former a native of Vermont, the latter of New York; both were members of old families in those states. When our subject was but three years old his parents moved to Milford, Jefferson county, Wisconsin, where his youth was passed. He spent two years at the university of Wisconsin, and then attended a military school at Fulton, Ill. It was dur-

ing this period that the war of the rebellion was being carried on, and young Greene, while attending school at Fulton, enlisted, in 1864, with a company from the academy, in company I, 140th Illinois infantry, for one hundred days. He was made corporal as soon as the company was formed. His regiment joined the army at LaFayette, near Memphis, Tennessee, after having been in rendezvous at Springfield, and engaged in guard duty on the Memphis & Charleston railroad. It was in service seven months.

Upon his graduation at Fulton, in 1865, Mr. Greene held the rank of major, receiving his commission from Governor Oglesby. He then went to Madison, Wisconsin, and entered upon the study of law in the office of Keyes & Hastings, and a year later entered the law department of Columbia college, New York, from which he was graduated after a two years' course. He returned, in 1868, to Wisconsin, and was at once admitted to practice in the circuit court of Brown county, and in the following year to the supreme court. From that time to the present Mr. Greene has been a resident of Green Bay. In 1869 he became a member of the firm of Ellis, Hastings & Greene, which continued until 1872, when the senior partner became judge of the tenth circuit; from that year until 1884 the firm was Hastings & Greene. Mr. Hastings having been elected judge of the fourteenth circuit, the firm of Ellis, Greene & Merrill was formed. This continued until Mr. Greene withdrew, after which he formed a partnership with Charles F. Vroman, to which Hiram O. Fairchild was admitted later, and which has recently assumed the style given above.

Mr. Greene has realized that the law is a jealous mistress, and has paid faithful court to her. His thorough preparation for his profession, coupled with a genius for hard work, a mind in which the judicial quality shines with marked brilliancy, and a character which is the admiration of a large circle of friends and business associates, has placed him in the front rank of lawyers in the northwest. This is clearly inferable from the character of the business with which he has been intrusted. A cursory examination of the last thirty-five volumes of the supreme court reports will show that he has been charged with heavy professional responsibilities. A few of the cases of this class may be

cited: *State ex. rel. vs. Cunningham*, the celebrated gerrymander case, in which the jurisdiction of the supreme court to review and set aside a legislative apportionment of senate and assembly districts was sustained and exercised: 83 Wis., 90. The Strong's bank cases, involving the rights of creditors against insolvent banking corporations and their officers: 62 Wis., 590. *Falls Manufacturing Company vs. Oconto River Improvement Company*, wherein the right of the state to authorize the use of flooding dams on navigable rivers for log-driving, as against water-power owners, was in controversy: 87 Wis., 134. *The Patten Paper Company vs. the Green Bay & Mississippi Canal Company*, which involved the right of defendant to use the water power of Fox river from its canal to the destruction of the water powers of riparian owners on the river. The Goodrich Transportation Company cases, in which it was sought to make that company liable for all damage by the fire which destroyed a great part of the city of Green Bay in 1880: 69 Wis., 5; 60 Wis., 141. The Oneida county tax cases, in which important questions of taxation were adjudicated. *The T. B. Scott Lumber Company vs. Oneida County*: 72 Wis., 158. Mr. Greene's practice extends as well to the federal courts and is of the same character as that in the state courts. His standing as a lawyer has long been recognized as excellent by his associates at the bar and the courts before which he has practiced. In 1893 he was urged before a state convention of the bar to become a candidate for justice of the supreme court, but declined to become a party to a contest. Since that time he has twice declined to accept an appointment to that office, the tender of which was made by two governors.

Since 1885 Mr. Greene has served as a member of the state board of law examiners, and for some years has been and now is a member of the commission on uniformity of legislation.

In politics he is a republican, but is not active, and has never held an elective office.

Mr. Greene was married to Miss Nathalie P. Clapp June 10, 1875. Mrs. Greene is a native of Wisconsin, having been born at Kenosha. Her father was a descendant of an old family of Dutchess county, New

York; her mother was a member of the McCoy family. Mr. and Mrs. Greene's only child, Dexter I., died before he reached his fourth year.

THOMAS R. HUDD.

Thomas R. Hudd, formerly of the Appleton and Green Bay bars, was born in Buffalo, New York, October 1, 1835; when he was seven years of age his mother removed to Chicago, where he attended the public and select schools and learned the trade of a printer. With money earned at his trade he was enabled to attend Lawrence university, at Appleton, Wisconsin; after finishing his studies there he read law, and in 1856 was admitted to the bar. His practice in Appleton continued from that time until 1868, when he removed to Green Bay, where he remained until his death.

While a resident of Appleton Mr. Hudd was state senator in 1862, 1863, and member of the assembly in 1868; after he removed to Green Bay he was in 1873 city attorney; in 1875 a member of the assembly, in 1876, 1877, 1878, 1879, 1882, 1883 and 1885 state senator. In February, 1886, he was elected a member of the forty-ninth Congress to fill the vacancy caused by the death of Joseph Rankin, and was elected, for the full term, a member of the fiftieth Congress. At the close of that Congress he resumed practice at Green Bay and continued therein until his sudden death on the 22d of June, 1896.

Mr. Hudd was a firm believer in and an able champion of the principles of the democratic party. As a legislator he was progressive, active and influential; his sympathies were always in favor of liberal laws for the unfortunates, and his judgment impelled him to favor liberal measures for the advancement of education. As a lawyer he was held in esteem by his professional brethren and was true to every interest committed to his charge. Prior to his active participation in political affairs he had a good practice which increased from year to year. As a friend Mr. Hudd was loyal and frank. In official and personal intercourse he was cordial, obliging and agreeable. His record needs no apologies.

ARTHUR C. NEVILLE.

Although Mr. Neville was born in Pottsville, Pennsylvania, October 15, 1850, he has lived in Green Bay since he was six years of age, so that his personality is as much a portion of its municipal life as though he had been a native of the city. In the fullest sense of the word, he has been a part of it, since there is scarcely a public work or a private enterprise, which promised to advance the city's best interests for the past twenty years, which he has not furthered by his energy, his ability and his foresight.

Mr. Neville's father, John C., was an honored member of the Pennsylvania bar before he came to Wisconsin. He is a native of Dublin, was born July 27, 1815; came to America in 1834; was admitted to the bar of Philadelphia in 1844, and after practicing twelve years in that state removed with his family to Green Bay. He was not only immediately recognized as a master of his profession, but called to posts of public trust by his democratic associates of city and county. He served as a member of the legislature in 1860-61, was mayor of Green Bay for one term, and district attorney of Brown county for an entire decade. In the midst of his various public duties he maintained his private practice and increased it greatly from year to year.

The son, Arthur C. Neville, passed through the public schools of Green Bay, after which he acquired a thorough and practical business training. At home he was connected for several years with the shipping house of Dousman & Elmore, then removed to Chicago and was employed as a bookkeeper by such firms as Carter & Jones, lumber merchants, and Sprague, Warner & Co., wholesale grocers.

In 1871, after returning from Chicago, he commenced the study of law in his father's office, the business being then conducted under the firm name of Neville & Tracy. Three years later, or in 1874, he was admitted to the bar at Green Bay and became the junior member of the firm. During the succeeding year Mr. Tracy retired and the firm became John C. & A. C. Neville, and thus remained until the retirement of the senior from active practice in 1897. Since that time Mr. Neville has been an independent practitioner.

During his entire career, whether a member of the firm or practicing alone, he has retained his hold upon the confidence of the people by devoting more of his time and energy to the settlement of cases out of court than to active litigation. It is thus that the community in general has come to look upon him as a conservator of its best interests, rather than a man whose work is solely devoted to selfish ends. When litigation could not be avoided, however, he has entered into his professional work with enthusiasm and ultimate success. Of the important cases may be mentioned those pertaining to the recovery of the strip of land included in the old military reservation and known as the "vacant strip." He was also attorney for the DePere Company in the suits brought by it against its tenants relative to the use of the water power and its duty to keep the dam in repair. He was also one of the incorporators of the Green Bay water works company and acted as its secretary for many years and is now its attorney. Among the most interesting matters connected with this incorporation with which, as a lawyer, he has been identified, is the Britton case. Its trial established the principle in this state that water companies are not liable to private persons for failure to supply hydrants during a fire.

Mr. Neville is a strong and active democrat, but does not allow his political beliefs to interfere with his profession or with the administration of such public affairs as have been entrusted to him. He has been placed in the mayoralty chair for two years, 1888 and 1890. He was also secretary of the business men's association for a number of years, and president of the Kenball manufacturing company. He is a member of the Masonic order and of the Knights of Pythias, and has been commodore of the Green Bay yacht club and vice president of the Lake Michigan yachting association. For several years he was also much interested in the local militia, having advanced from a private in the Bay City Light Guards to the position of first lieutenant.

In April, 1874, Mr. Neville was married to Miss Harriet Reynolds, daughter of Werden Reynolds, who was for many years principal of the Green Bay high school. She died in December of the same year. On May 9, 1881, he was married again to Mrs. Ella Hoes Peak. Mr. Neville's stepdaughter, Marion Peak, is the wife of George G. Mason,



W. B. Quinlan

a mechanical engineer of the Chicago, Milwaukee & St. Paul road and a grandson of George Smith, one of the founders of the Wisconsin Marine & Fire Insurance Company's Bank, in Milwaukee, and a father of the western banking system.

W. B. QUINLAN.

Among the younger generation of men who quietly and unostentatiously are making enviable history for the state of Wisconsin as well as building up an enduring and commendable reputation for themselves, is the subject of the present sketch, William Barclay Quinlan, of Marinette. He has in addition to this the distinction of being a native of the state, having been born at Pewaukee, Waukesha county, on the 24th day of March, 1869. Mr. Quinlan is a son of Thomas Quinlan, a native of County Cork, Ireland, who, learning of the many material advantages afforded in the rapid development of the western hemisphere, emigrated to the United States when but nineteen years of age. Upon his arrival in this country Mr. Quinlan at once proceeded west and located in the city of Milwaukee, remaining there until 1866, when he removed to Pewaukee, Wisconsin. There he embarked in an active business career in which he succeeded to such an extent that after thirty years of diligent application to the duties pertaining to his calling, he was enabled to retire permanently and enjoy the pleasures of a well earned and merited rest. The mother of William Barclay Quinlan, whose maiden name was Anna Elisabeth Coleman, was also a native of Ireland, having been born in the county of Sligo. Her associations with this country also date back to an early period in her existence, she having come to the United States with her parents when but a very young child. They at first located in the city of New York, but later removed west, locating permanently in Waukesha, Wisconsin. It was in the "Spring City" that she subsequently met Thomas Quinlan, and there she was married to him on the 12th day of October, 1863. She died on January 10, 1880.

The youth of William Barclay Quinlan was spent like that of a majority of boys of his day in acquiring the elementary part of an educa-

tion which was afterwards to prove the basis of his life's work. He then became a student at the high school in Pewaukee, graduating from that institution with the class of 1887. Naturally of a studious and persevering turn of mind these characteristics were amplified and strengthened by the fact that he had already fully decided upon the law as his future profession and hence readily appreciated the necessity for cultivating these mental qualifications of assimilation and retention, which are such invaluable qualifications in one of that calling. Having there completed his scholastic course at the high school, he at once entered the office of Carney & Ryan at Waukesha, with whom he remained as a student until the latter part of 1889.

Young Quinlan had evidently acquired a most proper appreciation of Pope's well turned adage: "Fools rush in where angels fear to tread." He recognized to a full extent the seriousness of the work before him and the absolute necessity of a proper and thorough understanding of the duties of his calling before launching his craft upon the fickle sea of chance. He believed in being on intimate terms of acquaintance with the vessel upon which he purposed risking his earthly all, and with laudable determination set forth to acquire what he might of the steerman's art the better to avoid those hidden dangers which ever confront the ardent and venturesome spirit in its efforts to advance. So, having obtained somewhat of a grasp upon his subject he next entered the literary department of the university of Wisconsin, completing the English course in that institution in the month of June, 1892. Following this, he in the fall of the same year entered the law department of the university, from which after much diligent application he graduated with the degree of LL. B. with the class of 1894. Following this he was some time after admitted to the practice of his profession in the state, United States circuit court and the supreme court of Wisconsin. Thus thoroughly prepared and equipped for the pursuit of his chosen calling, Mr. Quinlan at once located in Marinette, Wisconsin, where in the month of February, 1895, he formed a law partnership with Mr. Charles C. Daily under the firm name of Quinlan & Daily.

Mr. Quinlan is a young man, of rich and varied abilities, as is char-

acteristic of the race from which he sprung, a sound lawyer, an earnest and painstaking advocate, diplomatic in his methods but at no time and in no way lacking in either force or decision of character. Personally Mr. Quinlan is tall, erect, strong, florid faced, with dark hair, dark eyes, highly rhetorical in style, often vehement and powerful in voice and gesture, at times reaching to a pathetic and touching delivery. His large form and general bearing give him a commanding and distinguished appearance. Indeed he possesses the requisites of an orator: Earnestness of manner, point and vigor of speech, a rapid, sparkling stream of overflowing language, both thrilling and pleasing, moving and magnetic—few men at the bar possess such gifts of forensic eloquence.

Young Quinlan thus early in his career has obtained a reputation bounded only by the limits of the state of Wisconsin and northern peninsula of Michigan. Perhaps few men at the bar have met and successfully coped with as many able and distinguished lawyers in important cases as Mr. Quinlan. The number of notable cases with which he has been connected to the advantage of his clients as well as to his own financial profit has been remarkable, having been retained in two murder trials within the past year by the defense and conducted each to a successful victory. He has also been the leading counsel in the case of Hatton vs. Wolf et al. at issue in the court of chancery in the county of Menominee and state of Michigan, perhaps the most complicated and important case ever tried in Menominee county, and recently secured a decree from the master in chancery in favor of his clients.

Mr. Quinlan has never sought or held any political office whatever, believing that the true lawyer has a more honorable and lofty sphere at the bar of his profession.

JOHN J. TRACY.

John J. Tracy, formerly of the Green Bay bar, was born at Windsor, Vermont, December 23, 1844; was graduated from Dartmouth college in 1864; immediately thereafter enlisted in the fourth Vermont regi-

ment as a private, and served until the close of the war. Removed to Wisconsin and taught in the Green Bay high school two years; studied law with J. C. Neville and became a member of the bar in 1868, at which time he began practice in Green Bay. For a time he was in partnership with Mr. Neville and later with Mr. Bailey. He was district attorney of Brown county from 1874 to 1876. Mr. Tracy removed from Wisconsin some years ago. His practice at one time was very considerable and gave promise of placing him in a position of more than usual prominence as a lawyer. An unfortunate habit obtained control over him to such an extent as to mar his prospects, and probably was a potent factor in causing his removal from the state.

CHARLES E. VROMAN.

Charles E. Vroman, of the law firm of Greene, Vroman, Fairchild, North & Parker, of Green Bay, was born October 5, 1846, in the town of Fitchburg, Dane county, Wisconsin, son of William and Harriet (Field) Vroman. Of Dutch antecedents, his ancestors on the paternal side were among the early immigrants from Holland who settled in the picturesque and fertile "valley of the Mohawk" in New York state. His parents were born in that state, came west and settled in Wisconsin before it became a state, and continually resided in Dane county until the father's death, May 1, 1896. The mother's place of residence is the state capital, but for many years they lived on a farm near Madison, and Charles E. Vroman grew up on this farm. His parents were thrifty and industrious people, whose chief ambition was to have their children well educated. When not at school he worked on the farm as a boy, but the bent of his mind was toward the law, and his course of study was designed to fit him for that profession.

He was graduated from the university of Wisconsin in 1868, as one of the "honor men" of his class, and immediately thereafter entered the Albany law school, at Albany, New York, being graduated from that institution in the class of 1869. Returning to Madison after his graduation from the law school he entered the law office of Senator William F. Vilas, and remained there some months, continuing his

studies and familiarizing himself with office and court work. He then served for a time as deputy clerk of the circuit court of Dane county, and in the spring of 1870 went to Green Bay, Wisconsin. After devoting some further time to study, he entered upon the practice of his profession, beginning his career as a lawyer, well equipped to assume the responsibilities which rest upon those who represent the interests of clients at the bar of justice. For several years he was associated in practice with the late Linas B. Sale, of Green Bay, and formed the partnership with George G. Greene, in existence at the present time, in 1891. He served several years as city attorney of Green Bay and Fort Howard, and was district attorney of Brown county from 1880 to 1885.

Within a few years after he began practicing he became connected with various important cases and impressed his associates at the bar with his ability as a trial lawyer. Whether he preferred this branch of the practice, or circumstances caused him to give it special attention, the professional prominence which he has ever since enjoyed has been largely due to his conduct and management of jury trials. A thorough common law lawyer, he enters upon the trial of causes ready to meet any emergency which may arise and prepared to contest all the issues involved. His skill in the examination of witnesses and his tact in bringing to the surface buried facts and suppressed truths, are characteristics which impress themselves upon both courts and juries, and as an advocate he is also forcible and impressive. Chivalrous in his devotion to his profession, his championship of the interests of his clients is spirited and vigorous, and all the resources of the law are evoked to sustain his contentions. Quick to perceive the weak points of an antagonist's case, he attacks them with energy and determination, and all his methods are those of the able and resourceful practitioner, who has fitted himself by education and experience for legal warfare, and for winning victories in hotly contested legal engagements.

For the past fifteen years he has been identified with nearly all the important litigation which has occupied the attention of the courts of northeastern Wisconsin. The firm of which he is now a member has become the legal representative of large interests, and cases of greater

importance than usually demand the attention of law firms in the smaller cities of the state have been entrusted to their care. In the division of professional labor between the partners it has fallen to Mr. Vroman to take charge, as a rule, of the trial of causes, and his superior ability as a trial lawyer has given him wide celebrity among the lawyers of Wisconsin.

In the local affairs of Green Bay he has evinced the public spirit and enterprise of good citizenship, giving aid and encouragement to all movements designed to promote the growth, welfare and prosperity of the city. He has held various local offices and is now serving as president of the board of education of Green Bay. A republican in politics, he has contributed his share to the success of that party, but has endeavored as much as possible to hold himself aloof from active participation in campaign work, which so seriously interferes with the professional duties of a busy lawyer.

He was married in 1871 to Miss Emma R. Phillips, who was graduated from the university of Wisconsin in the class of 1867. Mrs. Vroman is a descendant of revolutionary ancestors, and belongs to the society of "Daughters of the Revolution" and that of "Colonial Dames."

Mr. Vroman is a member of the Masonic fraternity.

JOHN H. M. WIGMAN.

Mr. Wigman is a native of Holland, having been born in Amsterdam, on the 15th of August, 1835. His father, James Bernard Wigman, was a prosperous architect, who supervised many important buildings in the Dutch metropolis, being moreover a man of influence outside the pale of his profession. Matilda Doorenboss, his mother, died in December, 1847. John was her eldest child, she being a second wife. The death of his mother, and his father's failing health necessitated a change in the affairs of the family and it was decided that he and his brother should accompany the Rev. Van der Broek, who was then on a visit in Holland, to the United States. Even at this early age he had received an education far above that usually enjoyed, as

he had not only attended the public schools of his native city but had taken a collegiate course in the province of Limburg. It is said that even at the age of twelve, aside from his ordinary studies in his mother tongue, he was able to read and write the French and German languages. To-day he is recognized as one of the finest linguists of the state.

Taking with him his younger brother, Henry J., a boy but eleven years of age, John set out bravely for America, coming directly to Little Chute, Brown county, where he arrived in June, 1848. They were accompanied by Rev. T. J. Van der Broek, with whom they remained for about a year. The youth, himself but thirteen years of age, first obtained employment upon a farm; afterwards his labors were varied by attending to the duties of a dry goods clerk in Green Bay. His salary was small but he was economical and conscientious and made progress both in material things and in the good graces of his employers. In the spring of 1857 he was induced to take charge of a public school and removed to the town of Green Bay, now known as Scott, and was also elected justice of the peace for said town, and commenced, with all his other duties, to study law. Borrowing books of the old attorneys of Green Bay, with whom he came in contact and who almost invariably were taken with his earnestness and ability, Mr. Wigman was soon abreast of those who had taken regular legal courses. Among his most steadfast and helpful friends in these days was the late Judge Cotton and Timothy O. Howe, so long identified with the judicial and political history of the state.

In 1858 Mr. Wigman was elected town clerk, and in 1859 treasurer of the town. In 1863, by which year he had already earned a substantial reputation for ability and absolute uprightness, he was called to Holland to settle his father's estate. When he returned to Wisconsin he was accompanied by his sister and settled in Appleton; he entered the law office of T. R. Hudd, and was admitted to the bar in February, 1864. In the fall of that year he was elected district attorney of Outagamie county, being re-elected in 1866 and 1868. Upon being admitted to practice he had formed a partnership with Mr. Hudd, and in 1868 the business of the firm (Hudd & Wigman) had so expanded that it was

deemed necessary to open an office in Green Bay. In 1870 headquarters were established in that city, and the firm continued as first organized, until November, 1889, when Mr. Hudd removed to Chicago. During this period (1882) Mr. Wigman was elected mayor of Green Bay. In 1889 he admitted his son-in-law, P. H. Martin, as a partner, the resulting firm of Wigman & Martin enjoying a large general practice, which still continues. Its senior member was called to government service in April, 1893, being appointed by President Cleveland United States district attorney for the eastern district of Wisconsin. This position he retained until April 15, 1897, though at the same time he gave such attention as he could to the business of the firm, of which he continues to be the senior member.

Throughout his entire career, whether in official position or with others, Mr. Wigman has shown a perseverance, a loyalty to high professional ideals and a faithfulness to the trusts reposed in him, which could not but bring the success which has come to him. The ability with which he has handled the cases entrusted to him has given him a wide reputation. Of the most important may be mentioned the State of Wisconsin vs. the School Board of the City of Edgerton, by which the reading of the Bible was excluded from the public schools, and the noted McLeod will case, argued in 1890.

Mr. Wigman has always been a staunch democrat, the first noteworthy acknowledgment of his political influence being the proffer from the governor of the position of district attorney for Brown county. The honor was declined, as he did not feel justified in even partially abandoning his large and growing practice. This was in 1878; but during the succeeding year he was accorded a recognition from another source which he was proud to accept. For years he had been one of the most prominent Catholics in the state, not only deeply interested as a layman in all church matters but, as an attorney, taking an active part in church litigation. In 1879, therefore, in recognition of his manifold and invaluable services in behalf of the church he was made by the pope a member of the *Societas Romana Princeps a Petro Juris Consultorum*, the diploma from Rome being dated February 21st of that year. On

March 1, 1887, he received the even greater honor of being made, by papal authority, a knight of the Order of St. Gregory the Great.

Through all his early struggles toward eminence, Mr. Wigman possessed as a faithful helpmate the wife of his early manhood, Matilda Lyonnais, whom he married in August, 1857. She died in 1876, leaving nine children. His second wife, formerly Miss Jane Meagher, of Green Bay, has been the mother of four children and is a woman of education and strong character. Of the thirteen children born to him nine survive.

CHAPTER XXX.

THE FIFTEENTH CIRCUIT, ITS JUDGE AND LAWYERS.

In 1887 the counties of Ashland, Bayfield and Sawyer were detached from the eleventh circuit, the counties of Price and Taylor from the seventh circuit, the county of Oneida from the tenth circuit, and these counties were formed into a new circuit, designated the fifteenth. Subsequently Oneida county was transferred to the sixteenth circuit, and on the creation of Iron county it was made a part of the fifteenth circuit. The first judge was elected on the last Tuesday of May, 1887, and entered upon the discharge of his duties on the first Monday in January, 1888. That election resulted in the choice of John K. Parish, then a resident of Medford, Taylor county, who continues to hold the position to which he was then chosen.

THE BENCH.

JOHN KIMBALL PARISH.

John Kimball Parish, judge of the fifteenth judicial circuit, state of Wisconsin, was born at Randolph, Orange county, Vermont, November 18, 1848, and lived during his early childhood and youth at the old "Maple Grove" homestead, built by Judge Dudley Chase, at one time chief justice of the Green Mountain state, and afterward the home of Judge Isaac F. Redfield, the law writer and one of New England's ablest jurists; so, figuratively speaking, he imbibed the law from his earliest days. Jacob Kimball Parish, his father, was also born in Randolph, in 1793, and when nineteen years of age joined the patriots of the war of 1812, and was orderly sergeant of the Randolph company. The father of Jacob K., grandfather of John K., emigrated to Vermont from Windham, Connecticut, in 1788, and was a soldier in the revolutionary war. He married Mary A. Converse, of Randolph, the mother of our subject. She was the granddaughter of Colonel Israel Converse,

who fought at Bunker Hill and in subsequent engagements of that war. Consequently, it is little wonder that John K. should be able to hold his own in either a legal fight or a political battle. His parents were married in 1830. The mother died in 1887, being nearly eighty-four years of age. He was the youngest of their family of eleven children. Jacob K., his father, was for many years one of the most prominent citizens of the state of Vermont. When a young man he took great interest in military affairs, and was brigade paymaster and division quartermaster, with rank of major, in the Vermont militia. The original roll of the Randolph company, of which he was sergeant in the war of 1812, is in his handwriting and is deposited in the public archives at the state house at Montpelier, Vermont. During his long life he took a very active part in public affairs. He died in 1881 at the age of eighty-eight years. His fellow citizens recognized his ability and worth by choosing him to many and very responsible offices, having been judge of the probate court for the Randolph district, associate judge of the Orange county court for several years, a member of the legislature for two terms, twice a delegate to constitutional conventions of the state of Vermont, a collector of internal revenue under President Lincoln, besides many other positions of responsibility. Judge Jacob K. Parish was a life-long enemy of tyranny and oppression, and a champion of liberty and equal rights for his fellow men.

John K., the subject of this sketch, commenced his education in the public schools of his native state, including the Orange county grammar school, afterward the state normal school of Vermont, which was within a few rods of his home, "Maple Grove." He located in Waupaca, Wisconsin, at the age of eighteen, since which time he has depended almost entirely upon his own efforts, and, with the exception of one year, paid all his expenses while attending the state university. He graduated from that institution, college of arts, in 1872. After graduation, he returned to Waupaca, where he studied law with E. L. Browne, his brother-in-law, and was admitted to practice in 1873. After his admission to the bar he practiced law in that city for nearly two years, when he located at Medford, Taylor county, Wisconsin. He was appointed district attorney soon after by Governor Taylor, and was repeat-

edly elected to that office, which he held continuously until January, 1885, at which time he voluntarily retired. During his long service as district attorney there were many important cases conducted by him, among which may be mentioned the case of the State of Wisconsin against Williams, who was charged with murder. The state depended for conviction exclusively upon circumstantial evidence and, although it was the general belief that conviction was impossible under the evidence, Williams, although defended by able counsel, was convicted of the crime and was sentenced for life. The murder was one of the most cold-blooded and mercenary ever committed in this state. The victim was a stranger in the community—an Austrian, named Skerbin. His case was appealed, and the judgment of the circuit court was affirmed. Williams died in prison. Another important case was the Wisconsin Central Railroad Company against Taylor County, which involved the constitutionality of a certain law exempting the company's lands from taxation. Mr. Parish contended that the act was unconstitutional. The law was sustained by the supreme court, although it divided on the question. The supreme court reports show that Mr. Parish had built up an extensive and lucrative practice before he was elected judge. Politically he may be classed as an independent republican. In 1885 he was elected to the legislature from the district then composed of Ashland, Lincoln, Price, Sawyer and Taylor counties. His opponent was Colonel John H. Knight, who was subsequently a candidate for the United States senate. While in the legislature he was assigned to the chairmanship of the important committee on bills on their third reading. As a legislator he was active and influential. He was particularly interested in bills in the interest of labor and education. He was instrumental in aiding in the passage of a law making a claim for supplies a lien upon logs prior to all other claims, except those in behalf of laborers. He was the author of an act requiring the signature of the wife to a chattel mortgage upon household furniture, thereby preventing her effects being taken from her without her consent. He aided in the passage of a law taxing all property in the state for the benefit of the public schools; which state tax is distributed in the respective districts throughout the state proportionately to the number

of children in each district. He also zealously supported a bill to provide for free text books in our public schools.- He worked for the passage of a law requiring railroad companies to put in frogs at their switches for the protection of their workmen. He also actively supported a bill to hold railroad companies responsible for personal injuries sustained by their employes caused by incompetent foremen, by declaring that such foremen should not be regarded in the law as co-employes. He introduced into the assembly and secured the passage of a joint resolution memorializing Congress to pass a law pensioning all needy disabled honorably discharged Union soldiers and sailors, although their disabilities might have occurred since the war, or were caused by old age. He actively supported the law requiring registration of voters to preserve the purity of elections. In fact, he exerted a strong influence in favor of some of the most salutary laws on the statute books.

In 1885, shortly after his return from the legislature, Mr. Parish met with a serious accident in the "Medford fire." The town depended entirely upon volunteers to extinguish fires. While he was assisting in saving the property of a neighbor he was caught by a falling wall; was knocked senseless, his hip dislocated, and was severely burned. While in this condition his own building took fire and was consumed with the greater portion of his law library and personal effects. He was rescued by friends, but his injuries proved to be only temporary. In 1887 an act was passed organizing the fifteenth judicial circuit, providing for a special election for judge on May 30 of that year—which circuit comprised the counties of Ashland, Bayfield, Oneida, Price, Sawyer and Taylor. After the passage of this act, upon a call numerously signed by his fellow citizens, Mr. Parish became an independent candidate for circuit judge, made the canvass against three opponents, and was elected by a rousing majority. In 1893 he again, upon a call by the people, became a candidate for that office and was re-elected. His vote nearly equaled the total vote of the other four candidates who then ran against him.

On the bench Judge Parish is prompt, fearless, firm, impartial and independent. His integrity and firmness are never questioned. He has decided many important cases, involving novel and difficult questions of

law, both civil and criminal, and comparatively few of his judgments have been reversed by the supreme court. There is only one judicial circuit in the state which has as great an area as the one over which Judge Parish presides. This judicial circuit is in the new and growing portion of the state and the litigation there has been, and is, still very large. There is no other court of record within this circuit to aid Judge Parish in the discharge of his official duties; and there is probably no county in this state in which as much legal business is transacted as in Ashland county, which has not one or more courts of record, with concurrent jurisdiction with the circuit court.

Judge Parish's sympathies are strong for the poor and unfortunate, and he is ever ready with helping hand to relieve them as far as possible. He therefore could not be otherwise than popular with the great mass of people, who have always sustained him when he has been a candidate for their suffrages. He has an abiding faith in the future of the new and growing portion of this state in which he has resided for nearly a quarter of a century. This is demonstrated by the fact that he has purchased, is improving and paying taxes upon large tracts of land there. He has always manifested great interest in agricultural pursuits, and has a large farm in Taylor county, near the thriving city of Medford, in which he takes especial pride. When his arduous duties as judge permit, he devotes himself to improving, clearing and marketing the timber from the land, and he is endeavoring to bring it up to his high standard as a stock and grain farm.

Judge Parish was married on June 25, 1891, to Miss May Whitall Carrington, of Ashland, Wisconsin, a native of Virginia. Her parents were Theodore and Anna E. Carrington. Her father is descended from the Carrington, Griffin and Adams families of that state, who took a prominent part in the affairs of the "Old Dominion" even when a colony under Great Britain, and in the interest of America's cause in her struggle against British oppression in the revolutionary war. Her mother is descended from the Whitall and Newbold families of New Jersey, who were originally Quakers. Judge Parish's domestic life is in all respects enjoyable. His home is his all to him. His devoted and accomplished wife and their promising son, John Kimball, Jr.—the pride

of the family—make up a little home circle where contentment and peace reign supreme. It is no wonder that Judge Parish is always genial, courteous and kind, and a general favorite wherever he is known. He possesses vigorous health and is in the very prime of mature manhood; many years are before him if he lives to the age allotted to man. His active and useful life, so far, is a prophecy of future usefulness which all who know him hope to see fulfilled.

THE BAR.

GEORGE F. MERRILL.

George F. Merrill is a native of Wisconsin. He was born at Burnett, Dodge county, February 17, 1847. After attendance at the common schools of his native town and at the Wayland academy, Beaver Dam, he entered the university of Wisconsin and was graduated in 1872. He studied law in the university law school and after graduation therefrom, in 1873, began to practice his profession in De Pere, Wisconsin. He soon demonstrated his ability as a lawyer, and was rewarded with a paying practice. After following his profession for ten years in De Pere, he concluded to seek a broader field in which to labor, and in pursuit of this determination moved to Ashland in 1883.

In that active and progressive city he formed a partnership with W. M. Tomkins, and the firm of Tomkins & Merrill, which was then organized, has for over fifteen years been recognized as the leading law firm of northwestern Wisconsin. They have participated in most of the important litigation of their section of the state. Although engaged in general practice, much of their time and attention has been devoted to corporation and real estate law and to cases involving riparian rights and tax titles. Several notable cases in which they have appeared related to the litigation over the lands of the Wisconsin Central railroad.

An unswerving republican in his political opinions, he has at all times taken an active and prominent part in the concerns of his party and of his native state. For one term, 1887 to 1889, he served in the state senate; and in the latter session acted as chairman of the judiciary committee and bears the honorable responsibility for a number

of highly meritorious measures. For a number of years he has been a member of the school board and there also his strong personality is felt.

Legal matters alone do not claim all Mr. Merrill's time. He is a director in the Northern National bank and secretary and treasurer of the Ashland light, power and street railway company, both of which are among the leading business institutions of his city.

Mr. Merrill is an old time Mason, and a member of the Knights of Pythias; he is also a member of the Elks.

He was married October 14, 1875, to Ellen Byrne, of Madison. They are the parents of four charming daughters—Grace, Agnes, Elinor and Winifred.

GABRIEL E. SCHWINDT.

Born in a small village near the city of Coblenz, Rhenish Prussia, on the 28th of December, 1848, Mr. Schwindt's career is pre-eminently that of a self-made man. His parents, Jacob and Catherine (Kratz) Schwindt, emigrated to the United States when he was but four years old, settling in Waukesha county. Gabriel's schooling was indeed scant, since, because of the family's straitened condition, at the age of twelve he was sent to Milwaukee to learn the barber's trade.

But, notwithstanding his lack of education, he had the true ambition to make the most of himself which was possible. Moreover, he had the confidence, which is the sure forerunner of success, that by industry and intelligent expenditure of time he could supply those deficiencies in his early training which otherwise would prevent him from reaching such a station in life as he desired. After he had served an apprenticeship of one and a half years, therefore, he ran away to Chicago, where he could be master of his own person and destiny. Here, while working at his trade, he attended night school, and by the time of the Chicago fire was in a position to seek a further improvement in his educational requirements.

At Waukesha he found the advantages which he had long been denied, and enjoyed, in all senses of the word, a thorough course of instruction in Carroll college, covering the period from 1872 to 1877.



W. M. Tompkins

While at Carroll he was local reporter of the Milwaukee Sentinel and Chicago Times, and began reading law before his course at college was completed. Subsequently Mr. Schwindt studied law with W. S. Hawkins and S. A. Randals, of that place, and was admitted to practice in the circuit court during 1878 and to the supreme court in 1880.

During the latter year he removed to Kimball, Dakota, and formed a partnership with J. B. Long, the firm of Schwindt & Long gaining a wide and enviable reputation for fair dealing and success in conducting litigation. Besides, not only establishing a reputation for himself in the profession, Mr. Schwindt was honored by his fellow citizens in a public fashion, being chosen a member of the state constitutional convention, which assembled at Sioux Falls in 1882, and was also called to serve them as director of schools.

After his removal from Dakota, in 1887, he spent several years in travel and in searching for a more promising location. But he finally drifted back to Wisconsin, and after residing for a time at Medford, Taylor county, and at Fifield, Price county, settled in 1891 at Prentice, where he is now practicing—an industrious, prosperous, prominent representative of the profession, still in the prime of life, with probabilities that the future will bring to him even more honor than the past has accorded him.

Mr. Schwindt has been twice married—the first time when only twenty years of age, his wife dying two years after. In 1878 he was again married to Miss Alice C. Doane.

WILLIAM MAWBY TOMKINS.

William Mawby Tomkins was born at Loosely Row, Buckinghamshire, England, February 24, 1845. When he was only five years old his parents emigrated to this country and located at Shullsburg, then a brisk mining town in the lead regions of Wisconsin. His father, the Rev. William Tomkins, was a minister of the Methodist faith, who did valiant service for God and the church in those early days when to be a clergyman meant a life of toil and self-denial. The faithful labors and ill-paid services of the pioneer minister are matters of recent history and familiar to all. With unswerving devotion to duty and

principle, he kindly delivered his message in the face of difficulties that would appal the boasted self-control of the business man of to-day.

It was in such a school as this that the subject of this sketch early learned the lessons of endurance and self-reliance that were to serve him well in the coming years. Like many others who have been architects of their own fortunes, he worked in the harvest fields in order to earn for himself the means to prosecute his studies, and in this way was enabled to take a classical course at Brunson institute, and later a scientific course at the state university at Madison.

During the next few years he followed the example of most ambitious youths and taught the village school. In 1872 he married Elizabeth A. Pearce, of Iowa county, and in April, 1873, removed to Ashland.

Ashland at that time was but an unambitious hamlet, offering but few opportunities to the new comer, and hence Mr. Tomkins shouldered his ax and spade and lent a helping hand in clearing the site of the future city.

In December, 1873, he was elected town clerk, and re-elected to the same office in 1874 and 1875. About this time Ashland began to be a place of refuge for criminals and "tough" men generally, who threatened to control the destinies of the town; and at a time when to hold such an office required some courage, Mr. Tomkins was elected justice of the peace, and administered the law with such a firm hand that the "toughs" were obliged to emigrate to a more congenial climate.

This experience turned Mr. Tomkins' attention to the study of law, which he prosecuted with so much diligence that in 1875 he was admitted to the bar, and in November of that year elected district attorney. This office he held for five successive years. During the first period of the growth of Ashland he also held the offices of county clerk and county treasurer, in all of which he made a faithful and trustworthy official.

Mr. Tomkins has from the first been identified with the growth of Ashland, and the positions of trust he has received at the hands of his fellow citizens testify to his integrity and business ability. He is at the present time a director of the Ashland National bank, of the

Ashland Water company, and of the Ashland Street Railway & Lighting company.

As a lawyer Mr. Tomkins stands high in his profession, his early experience in town and county offices giving him pre-eminence as a real estate lawyer. The law firm of Tomkins & Merrill, of which our subject is the senior member, is the leading firm of Ashland. Among its more prominent clients may be mentioned the Chicago & Northwestern railway company, the Duluth, South Shore & Atlantic railroad company, the Ashland Water company, the Ashland Railway & Lighting company, the First National bank of Ashland, and the Ashland National bank, as well as a majority of the lumber concerns in Ashland and the contiguous cities on the Chequamegon bay.

Among the important cases in which Mr. Tomkins has been retained may be cited that of the Northern Pine Land company vs. A. A. Bigelow & Co., to determine the rule governing riparian boundaries on the great lakes; and also Chicago, St. Paul, Minneapolis & Omaha Railroad Company vs. Bayfield Company, the question involved in this case being the exemption from taxation of elevators and coal docks.

Mr. Tomkins' position as a leader of the Ashland bar is due to persistent hard work and thorough and careful research. By industry and judicious investments he has secured a competency which insures comfort for the remainder of his life.

Mr. and Mrs. Tomkins are the parents of five children: Andrew Pearce, William Clark, Orville Scott, Matthew Clair and Grace Elizabeth.

CHAPTER XXXI.

THE SIXTEENTH CIRCUIT, ITS JUDGES AND LAWYERS.

The sixteenth circuit was created in 1891 out of the counties of Marathon, Lincoln and Oneida. The first election, held on the first Tuesday of April, 1891, resulted in the choice of Charles V. Bardeen as judge. He occupied that position until his appointment as a justice of the supreme court in 1898. (A sketch of him appears in another chapter.) Judge Bardeen was succeeded by Willis C. Silverthorn, appointed by Governor Scofield, and elected to fill the unexpired term in April, 1898.

THE BENCH.

WILLIS C. SILVERTHORN.

Mr. Silverthorn was born in Toronto, Canada, August 30, 1838; in 1842 his parents removed to Wisconsin and settled at Oakland, Jefferson county, where he resided until his removal to Wausau, in 1864. The public schools, Albion academy and the state university have afforded Mr. Silverthorn ample preparation for the discharge of his professional duties. In 1863 he was admitted to the bar, and soon afterward removed to Wausau, where he has ever since resided, and where he has been highly honored as a citizen.

In 1864 he was elected district attorney of Marathon county, and was twice re-elected. In 1868 and 1874 he served as a member of the popular branch of the legislature, and in 1875 and 1876 as state senator. In 1896 he was the democratic candidate for governor; and though beaten by a large majority, the vote by no means measured the personal regard which the people of the state entertained for him. Under different political conditions Mr. Silverthorn's strength would have made a much more favorable showing. In 1898 he was appointed judge of the sixteenth circuit to succeed Charles V. Bardeen, promoted to the su-

preme bench. The appointment was made by Governor Scofield, who was opposed as a candidate by Mr. Silverthorn in 1896, the latter being the democratic candidate. This appointment may be taken as indicating that there is a very strong sentiment in the state in favor of disregarding political considerations in connection with judicial offices. It was one eminently fit to be made so far as the qualifications of the appointee are concerned.

Mr. Silverthorn was first married to Maggie V. Meyers, who died January 29, 1878; he took for his second wife Miss Ida M. Single.

THE BAR.

ELISHA L. BUMP.

The great and increasing interests of northern Wisconsin, both of an industrial and public character, develop strong characters, or, at least, in their management strong characters are brought to notice. Unavoidable friction occurs between conflicting interests, and the best ability of the legal fraternity is required to reconcile them. In this litigation and in the development of the thriving communities within the lumber regions of Wisconsin none have borne a more creditable part than Elisha L. Bump, of Wausau, senior member of the prominent firm of Bump, Kreutzer & Rosenberry.

Mr. Bump is a native of the Empire state, being born in Otsego county on July 10, 1849. He was educated in the common schools of New York, and afterward enjoyed a season of training in the higher branches at the Lake Mills (Wisconsin) high school and the Allegany institute, located in Allegany county, New York. In 1868 he commenced the study of law in the office of V. A. Willard, Belmont, New York, completing his course with E. L. Browne, of Waupaca. In December, 1870, he was admitted to practice before the circuit court of Waupaca county, the state supreme and the United States courts according him a like privilege in February, 1874.

First settling in Wausau, in November, 1871, he formed a partnership with W. C. Silverthorn, an able man, prominently identified with the public affairs of the state, and as a member of the firm of Silverthorn

& Bump came at once into notice. It was during this period—1873 and 1874—that he held the office of district attorney for Marathon county, thereby increasing his reputation as an able lawyer and executive official.

In May, 1875, Mr. Bump removed to Waupaca and, in partnership with E. L. Browne, remained in business at that point until March, 1879. He not only faithfully performed the legal duties intrusted to him, but was honored with such public trusts as those reposed in the chairman of the county board of supervisors, serving in this capacity in 1877 and 1878. After residing in Merrill for a time, during which period he practiced as a member of the firm of Bump & Hetzel and served as mayor of the city, he returned to Wausau where he has since resided.

The other members of the firm of which he is the senior are A. L. Kreutzer (who was first received into the partnership) and M. B. Rosenberg. By his untiring and well-directed labors Mr. Bump has largely contributed to its present high standing and, as the records will show, has personally carried a large number of cases to the higher courts. Since returning to Wausau he has also served the city in several responsible positions.

Mr. Bump was married in 1873, at Waupaca, to Miss Lillie A. Gurley, by whom he has had three children: Franklin E. is a graduate of the Merrill high school, was a student for three years in the university of Wisconsin, and graduated from the Leland Stanford Junior university in California with the degree of B. A., and from the university of Michigan, Ann Arbor, with that of LL. B. He is now practicing at Wausau and, if the future can be based upon the past, will make a strong and high mark. Mary E. is also a graduate of the Merrill high school and the state university; Florence, the third child, having passed through the high school at Wausau, is at present at the university of Wisconsin.

CHARLES F. CROSBY.

Charles F. Crosby, formerly of the Wausau bar, was born in Waterloo, Jefferson county, Wisconsin, December 12, 1847; educated in the

common schools, the Bronson institute and the Kilbourn institute; received his preliminary legal training in the office of Jonathan Bowman, at Kilbourn City; admitted to the Wisconsin bar in 1870, soon after which he removed to Luverne, Minnesota. While resident in that state Mr. Crosby held the offices of county and district attorney for Rock county and served in the Minnesota assembly in 1874. In 1875 he returned to Wisconsin and settled at Wausau, where he practiced law, having B. W. James for a partner; in 1877 he was elected district attorney for Marathon county; and served as state senator in 1881 and 1882. Mr. Crosby died November 28, 1889.

M. A. HURLEY.

Michael Angelo Hurley, of the firm of Hurley, Ryan & Jones, of Wausau, was born in Ottawa, Canada, October 22, 1840; while he was an infant his parents became residents of Ogdensburg, St. Lawrence county, New York, where he prepared for college. Failing health prevented the immediate pursuit of a college education. In the spring of 1856 Mr. Hurley came to Wisconsin; he worked for the next year at Eau Claire, after which he went east and spent four years in completing his education, which was done under a private tutor. In 1869 he was admitted to the bar; he practiced his profession at Berlin, Wisconsin, until the fall of 1873, when he removed to Wausau, where he has since resided, except about seven years passed in California superintending mining operations. During the time of his residence in Wausau he has been associated in business with Mr. Silverthorn. They were interested in the iron mines at Hurley, Wisconsin, and before the collapse of the mining industry were reputed to have accumulated large fortunes.

Mr. Hurley has never sought office, though he has always been actively interested in politics, taking the republican view. He served several years as a member of the state board of law examiners.

As a lawyer he has long maintained a good position, and as a man enjoys the high respect of his fellow men.

In 1874 Mr. Hurley was married to Clara H. Leonard, of Berlin. They have one child—Judson B., born in 1880.

B. W. JAMES.

This gentleman, during his professional lifetime a member of the Wausau bar, was born in Otsego, Columbia county, Wisconsin, September 2, 1847; was for two years a student at Wayland college, Beaver Dam, and graduated with honors from the Wisconsin state university in 1872, and from the college of law thereof in 1873. In the same year he located at Wausau and practiced his profession, most of the time with Charles F. Crosby. His promising career was cut off by early death, on the 8th of February, 1885.

WILLIAM H. MYLREA.

William Henry Mylrea, of the Wausau bar, now attorney general of Wisconsin, was born at Rochester, New York, January 1, 1853, and three years later came to Wisconsin with his parents. They located in Columbia county. Mr. Mylrea obtained his general education in the public schools of Kilbourn City and at Lawrence university. He studied law in the office of Jonathan Bowman at Kilbourn City and the state university college of law; he left the latter before finishing the course and hence was not graduated. In 1883 he changed his place of residence to Wausau, where he has continued to reside and practice his profession. Until the election of Charles V. Bardeen to the bench he and Mr. Mylrea were partners, after which the firm of Mylrea, Marchetti & Bird was formed.

In 1886 Mr. Mylrea was elected district attorney of Marathon county, and in 1894 was chosen attorney general, being re-elected two years later. His performance of the duties of that responsible office has fully met the requirements of an exacting public, and reflected credit upon him and his assistants.

In politics Mr. Mylrea is a republican. His services as a "stumper" have been much in demand by party managers, and have been freely given.

His family consists of a wife and one son, the former having been Miss Minnie Ostrander.

LOUIS A. PRADT.

L. A. Pradt, of the Wausau bar and assistant attorney general of the United States, was born in Coudersport, Pennsylvania, November 14, 1851. His father (Charles R.) was a carpenter. In 1856 the family, consisting of the father, mother (Esther Emmons), Henry, Louis and Walter, came to Wisconsin and settled at Plymouth, Sheboygan county, where they lived until 1865. During their residence there Louis attended the public schools and, for one year, the grammar school department of Racine college. The next change of residence was to a farm near Glenbeulah, Sheboygan county, where the family remained until 1873, when a change was made to the western part of Marathon county, then a wilderness just opened by the building of the Wisconsin Central railroad. Here homesteads were entered under the laws of the United States. From the time Louis was fifteen years of age until 1879 he worked on the farm in summer and taught school in winter. In 1879 he entered the law department of the Wisconsin state university; his expenses there were paid with the proceeds realized from the sale of his homestead. He was graduated in June, 1881. In the fall of that year Mr. Pradt formed a partnership with M. C. Mead, and they opened an office at Wausau. Their partnership was of brief duration, Mr. Mead concluding that he preferred to practice in his own county, Sheboygan. Mr. Pradt then entered the office of Silverthorn & Hurley, where he remained until 1883, when he opened an office of his own. In 1885 he became a partner in the Wausau Land & Lumber association, of which Neal Brown was also a member.

Previous to his appointment to the office of assistant attorney general of the United States in June, 1897, the only office held by Mr. Pradt was that of city attorney of Wausau in 1893. He has always been a republican, and from 1890 to 1896 was chairman of the county committee of that party for Marathon county. In his present capacity Mr. Pradt has charge of the defense of suits brought in the court of claims against the United States.

In 1890 he was united in marriage to Miss Charlotte Atwater,

daughter of M. B. and Charlotte Atwater. They have one son—Louis Atwater. Mr. Pradt is a member of the Episcopal church.

THOMAS C. RYAN.

Thomas Curran Ryan, of the firm of Hurley, Ryan & Jones, of Wausau, was born at Utica, New York, July 4, 1841. At an early age he was orphaned, and in consequence spent his boyhood with a grandfather in Canada. He became a resident of Wisconsin in 1854, and from 1854 to 1861 worked as a shoemaker during the winter months and on farms during the summer seasons. In the spring of 1861 he enlisted in company G, fifth Wisconsin, and served two years. He was so seriously wounded at the battle of Williamsburg that he was unfitted for further military service and was discharged. Returning to Green Lake county, Wisconsin, he taught school and prepared himself for admission to the bar: his practice was begun in Berlin in 1865. He had for partners while there M. L. Kimball, and, subsequently, George D. Waring. While there he served as district attorney and county judge. In 1881 he removed to Wausau and formed a partnership with Neal Brown. In 1882 he removed to Merrill and entered into partnership with George Curtis, Jr., which relation continued about one year. Returning to Wausau Mr. Ryan became a member of the firm of Silverthorn, Hurley & Ryan, and has been with that firm to this time.

Mr. Ryan's specialty is the examination of legal questions, the preparation and trial of equity cases, and the briefing and argument of cases in the supreme court. He had charge of the litigation known as the "Marathon county land cases," which involved the title to about forty thousand acres of land in Marathon county, and was successful in them.

CHAPTER XXXII.

THE SEVENTEENTH CIRCUIT, ITS JUDGES AND LAWYERS.

In 1891 the counties of Clark and Jackson were detached from the sixth circuit, and the county of Eau Claire from the eighth circuit. These counties were constituted the seventeenth circuit. The election for the first judge was held on the first Tuesday of April, 1891, and he entered upon the duties of his office on the first Monday in January, 1892. The first judge was William F. Bailey.

THE BENCH.

WILLIAM F. BAILEY.

Mr. Bailey was born in Carmel, Putnam county, New York, June 20, 1842. His father, Benjamin, was a lawyer and prominent politician; he served in the New York legislature several times and was the candidate of his party for speaker of the assembly at the session presided over by the know-nothing candidate for that office, who was chosen after a contest of six weeks.

The subject of this sketch was educated in an academy in Columbia county, New York, and soon after finishing his course there enlisted, in May, 1861, in company D, thirty-eighth New York infantry. In the fall of 1861 he was appointed captain of company K, ninety-fifth New York. He was a participant in the battles of Bull Run, Rappahannock, Sulphur Springs, Gainesville, Manassas, second Bull Run and Chantilly.

In September, 1864, Mr. Bailey married, at Carmel, New York, Mercy S. Cole; she died in September, 1882. In 1884 he married Frances Gillette. There were no children of the first marriage. William F., Jr., is the only child of the second marriage.

Mr. Bailey obtained his legal education in New York, and was admitted to the bar in Brooklyn in 1863. His health was much impaired

by his military service, and this led to his removal to Wisconsin in 1867. He settled at Eau Claire, where he has continued to reside. His ability as a lawyer was soon recognized and his practice became very extensive and covered business of the most important character.

His service to the public included three terms as mayor of Eau Claire, one term as district attorney of Eau Claire county, and one as judge of the seventeenth circuit, the latter covering the years 1892-97. He was elected to that office over James O'Neill, but was defeated by the latter for re-election. Judge Bailey had previously been a candidate for judge of the sixth and eleventh circuits.

While on the bench he prepared for publication a treatise on "The law of the master's liability for injuries to servant;" this was published in 1894; and a work entitled "The law of Personal Injuries relating to Master and Servant," published in 1897 (2 vols.). The favor with which these works have been received will, it is understood, induce Judge Bailey to continue in the field of legal authorship. The industry which has been devoted to the writing of the books named is remarkable, the more so that they were prepared during the time that he was discharging his judicial duties.

JAMES O'NEILL.

James O'Neill, present judge of the seventeenth judicial circuit, was born in Lisbon, St. Lawrence county, New York, on the 3d of September, 1847. His parents were Andrew and Mary (Holliston) O'Neill, his father being a farmer, who still lives on the farm in New York where he was born—the last to survive of a family of nine children.

Tracing his ancestry to an earlier date, it is found that his paternal grandfather, Andrew O'Neill, was born in Shanes Castle, Ireland, on September 23d, 1766. Emigrating to America about 1790 he settled at Edwardsburg, Canada, where, on the 18th of February, 1798, he married Jane Armstrong. During October of the next year they located at Lisbon, New York, Mr. O'Neill being the first settler of the town. Here, as a farmer, he lived and died.

The maternal ancestry was Scotch, Andrew Holliston and Mary

Lees, the grandparents, coming from the banks of the Leader, a branch of the historic Tweed in Berwickshire, Scotland. In the early '40s they left their native land, locating in Oswegatchie, St. Lawrence county, New York.

Thus it is that Judge O'Neill combined in his character the persistency, thoroughness and balance of the Scotch with the elasticity of the Irish. He is a trustworthy friend and counsellor, and as a judge has given eminent satisfaction. From the evidence already presented it will be seen that distaste for change runs in the family blood, and the life of Judge O'Neill is virtually divided between the states of New York and Wisconsin.

In the district schools of his native state the boy was prepared for the higher branches of learning, entering St. Lawrence university in the fall of 1863. Here he spent three years industriously and profitably, but supplemented this training by a thorough and still higher course of three years at Cornell university, graduating from the latter institution in 1871, with the degree of A. B. Thus equipped with a mental training of unusual breadth and solidity, he was well qualified to rapidly advance in the mastery of the profession which he had already determined to adopt. His legal education was obtained in the office of Joseph McNaughton, of Ogdensburg, and at the Albany law school, his graduation from the latter institution occurring in 1873.

After his admission to the bar at Albany, Mr. O'Neill fortunately visited his uncle James at Neillsville. This was in September, 1873, and, as the uncle had no son, and as he and the bright young attorney were mutually so attracted, that date marks the commencement of a continually progressive and honorable career covering a period of a quarter of a century. Opening an office for the practice of his profession, he continued alone during a period of four years, after which (in August, 1877) he entered into partnership with H. W. Sheldon. This connection only terminated with the death of Mr. Sheldon, in February, 1879. For one year he was associated with Joseph Morley, and in 1890 formed the partnership with Spencer M. Marsh, which continued until Mr. O'Neill left the profession for the bench, in January, 1898.

It requires but a cursory examination of the law reports of the state, covering the period of Judge O'Neill's practice, to convince one that he has been a remarkably active and successful member of the profession and that there are few important cases in Clark county in which his services have not been required. Especially will his record in the supreme court be found in the state reports beginning with the 40th Wisconsin and continuing up to the time of his election to the circuit judgeship, in 1897. Persistent and hard work, a thorough training, a natural ability, an earnest purpose, an unfailing courtesy and an unswerving fidelity have earned him steadfast supporters and friends and a firm and high position.

In 1885 Judge O'Neill was elected a member of the first biennial legislature. Governor William E. Smith appointed him district attorney in 1887, and in 1888 he was elected to the position for a term of two years. He has also served as president of the school board.

But the culmination of the well-earned honors which have been bestowed upon him was his election, in April, 1897, to the judgeship of the circuit court, his term being for a period of six years. The contest was somewhat bitter, his opponent being Judge Bailey, but, as Judge O'Neill had almost the entire press of Eau Claire, Clark and Jackson counties in his favor and a decided majority of the legal confraternity, his election was virtually assured from the first.

During the progress of the campaign one of the county papers had this to say of him—a just estimate of the man and the lawyer:

"There is no man in the three counties (of this circuit) nearer and dearer to the position by long years of successful legal practice, reinforced by constant study and firmly rooted upon a good education at the start. His make-up is judicial and he has all the qualities of a just and upright judge. He has resided in Neillsville for nearly a quarter of a century; with a large legal practice, his daily life has been under the almost constant scrutiny of our people, and no man is found who can say aught against him. He has been in the legislature and in other positions of trust, and his record is clean everywhere. His knowledge of the law is thorough and comprehensive and he is regarded as the safest counsel lawyer in this part of the state."

Outside the pale of his profession, Judge O'Neill has taken an abiding interest in the fortunes of the republican party. As to the secret and benevolent orders, the Knights of Pythias claim him as one of influence. He joined them in 1882, when the Neillsville lodge was organized, and has since filled all the local offices as well as served several times as a delegate to the grand lodge. His religious affiliations are with the Episcopal church.

On June 18, 1876, at Neillsville, Judge O'Neill was married to Marian Robinson. Their son, Ernest A., twenty-one years of age, is a student at the Wisconsin state university. Marian, the daughter, is in her fifteenth year. Mrs. O'Neill is a woman of refinement and thorough education, being a graduate of both the Sisters' academy, Davenport, Iowa, and Lawrence university, Appleton, Wisconsin.

THE BAR.

WILLIAM PITT BARTLETT.

W. P. Bartlett was born at Minot, Maine, September 13, 1829. His early educational opportunities were meager, but he obtained a teacher's certificate at the age of fifteen years. He paid his way through the academies at Farmington and Bloomfield and at the age of twenty years entered Waterville college and was graduated in 1853. He was elected principal of the Hallowell (Maine) academy and served in that capacity until he resigned in 1855, having in the meantime begun to study law. Being of weak physique it was deemed advisable to seek more favorable climatic influences, and he located in Watertown, Wisconsin, where he taught school for six months and continued the study of law. He was admitted to practice in the spring of 1856 and in the following year moved to Eau Claire, Wisconsin, where he has since resided. He was the first lawyer to locate in Eau Claire county. He is the Nestor of the school board of Eau Claire, has always been interested in educational matters, for the past fourteen years has been a member and since 1891 president of the board of regents of the university of Wisconsin. He was elected district attorney in 1859 and during his term of office became a member of the legislature. In the

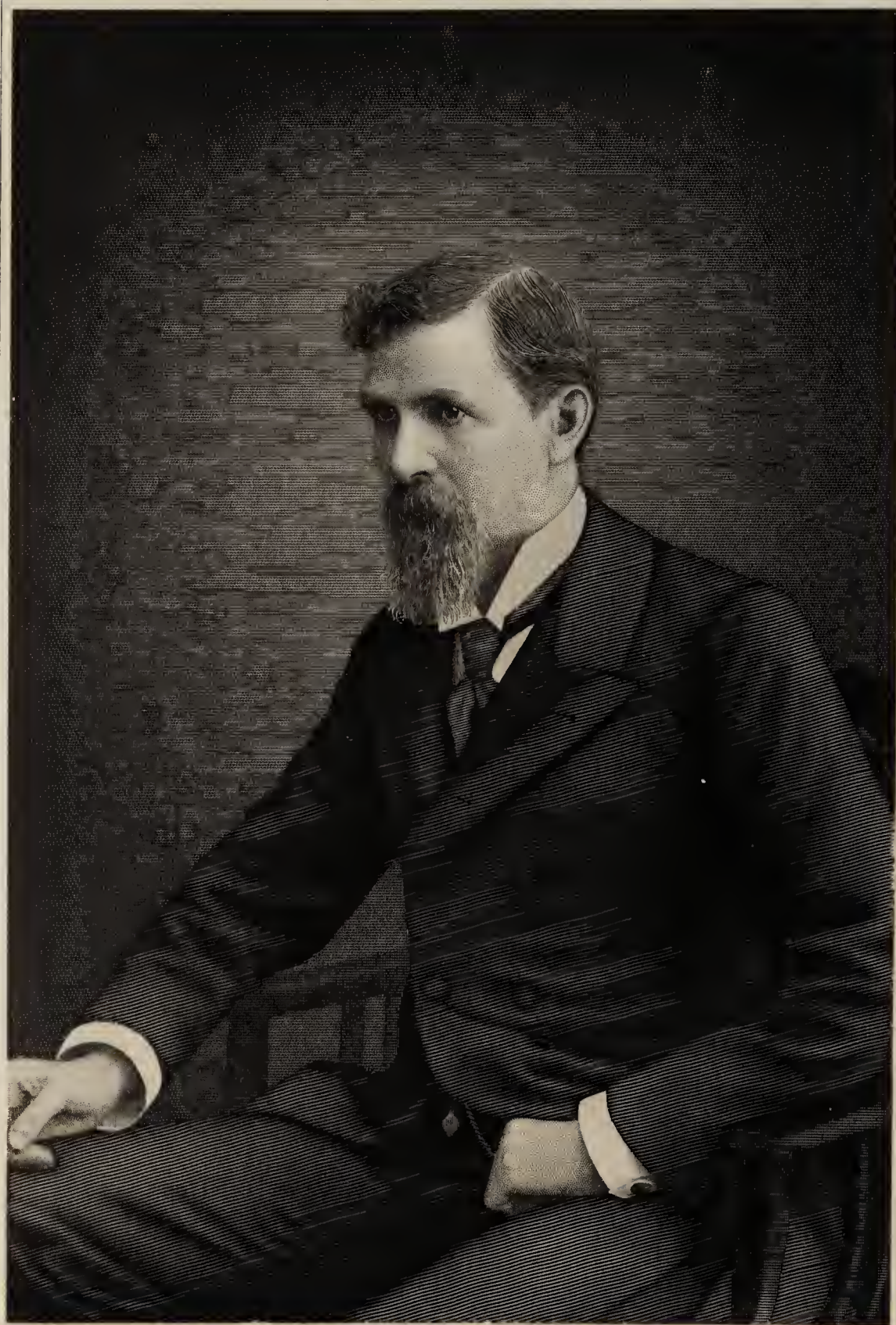
spring of 1860 he was appointed judge of Eau Claire county by Governor Randall and in 1861 and 1863 was again elected district attorney. In 1872 he was again elected a member of the legislature, in 1874 appointed register of the United States land office by President Grant and reappointed in 1878 by President Hayes. From 1857 to 1872 Mr. Bartlett practiced by himself, but in the latter year he formed a partnership with H. H. Hayden, which, under the name of Bartlett & Hayden, became one of the strongest law firms in Wisconsin. In 1884 this partnership was dissolved and since then Mr. Bartlett has practiced by himself.

Mr. Bartlett was married August 15, 1861, to Hattie, a daughter of Edward W. Hart, of Baraboo, Wisconsin.

IRA B. BRADFORD.

Mr. Bradford is a member of the Eau Claire county bar, and has practiced law at Augusta since 1873. He was born in the town of Fulton, Rock county, Wisconsin, June 24, 1851, and in that year returned with his parents to Washington, New Hampshire, from which place they had recently removed to the west. He was educated in academies and seminaries in that state. In the fall of 1869 he went to Edinboro, Pennsylvania, and soon after entered upon the study of the law there. In the fall of 1871 he returned to New Hampshire, taught school and continued his studies at Newport until the summer of 1872, when he went again to Edinboro. In February, 1873, he reached Janesville, Wisconsin, and entered the law office of Cassoday & Carpenter as a student; in March, 1873, he was admitted to the bar at Monroe, and immediately went to Augusta, where he has continued to reside.

Mr. Bradford was the first mayor of Augusta; in 1879 and 1881 he was a member of the assembly, and served very acceptably as speaker during the latter year. In politics, he is a republican, and has often been a delegate to state and other conventions of his party. His record as a public officer, lawyer and business man, as well as his private character, deservedly command respect.



F. J. Frawley

THOMAS F. FRAWLEY.

Thomas F. Frawley was born near Troy, New York, on the 6th of March, 1851. His parents, Thomas and Honora (Hogan) Frawley, were natives of Ireland, and possessed such attainments of mind and heart as especially fitted them to mold the characters of their children. The father was studious, thoughtful, industrious, independent and energetic, and the mother of a kindly, cheerful and benevolent disposition, being a woman of deep religious convictions.

The family consisted of seven sons and two daughters, all of whom were thoroughly educated. It is quite a remarkable fact that six of the sons graduated from the university of Wisconsin and that from 1870 to 1896 some member of the family was a student at that institution. It is, therefore, little wonder that Mr. Frawley should take an abiding interest in the state university and that he should be instrumental in maintaining a fellowship therein.

A short time after the birth of Thomas F. Frawley, the family removed to Wisconsin and settled upon a farm in the town of Vermont, Dane county, and there he resided until 1875. Until he was seventeen years of age the boy assisted in the cultivation of the farm, attending district school during the winter months. For two terms he was a student at the Albion academy, in Dane county, and in the spring of 1872 entered the university of Wisconsin. From October, 1873, until June, 1874, he taught school at Highland and Dodgeville, but during that period he continued his studies in the university and was graduated therefrom in 1875, having largely paid the expenses of his collegiate education with the money he earned as a teacher. As a university student he was an acknowledged leader in debate, being a participant in the joint oratorical contest of 1874.

For five years after his graduation Mr. Frawley served as principal of the high school at Eau Claire. During this period he commenced the study of his profession and formed the nucleus of his law library, which is now considered one of the most complete private collections in the state. Upon his admission to the bar in 1880, he abandoned the educational field and earnestly assumed the duties of his new profession.

Since that time his practice has been general and remunerative; during the first few years of his career he conducted the defense of many important criminal cases. Among those best known may be mentioned that growing out of the lynching of Olson, in Trempealeau county, in 1889. Of late years he has given more attention to civil cases, especially to those involving important questions of corporation law.

As is evident from his record, Mr. Frawley is a democrat of high standing. In 1888 he served as a delegate to the national democratic convention, held in St. Louis. In 1892, upon the delivery of his telling speech before the state convention, the old ticket was nominated for re-election. For many years prior to 1896 Mr. Frawley was a member of the democratic state central committee. In June of that year he was chosen both temporary and permanent chairman of the state convention which convened in Milwaukee for the purpose of selecting delegates to the national convention called to meet in Chicago. Upon taking the chair as presiding officer of the convention, he forcibly outlined the policy of the party and made an able argument against the adoption of the resolution advocating the free coinage of silver. This speech was influential in shaping the course of the state organization, but when it was found that the Chicago convention favored the free silver policy, Mr. Frawley resigned his membership in the state central committee and, to use his own words, "in common with other non-silver-coated democrats, have been extremely quiet in speech, but active in voting, since that time."

Mr. Frawley was for ten years a member and for several terms president of the common council of Eau Claire. Interested in educational matters, he was for many years a member of the board of education, and in that capacity did much to improve the school system of the city. His professional brethren have honored him with the presidency of the Eau Claire county bar association. He is also financially and professionally interested in several corporations, being a stockholder and director of the Chippewa Valley bank and stockholder and attorney for the Eau Claire Light & Power company, in addition to holding similar relations to other corporations.

On the 6th day of August, 1877, Mr. Frawley was married to Lydia

A., daughter of Joseph Lawler, one of the early settlers of Eau Claire and one of its most highly respected citizens. They have one son, Thomas F. Frawley, Jr., now fifteen years old, who is a graduate of the Eau Claire high school and is about to matriculate at the university of Wisconsin. Mrs. Frawley is largely interested in charitable work, and in every way has been an inspiration to her husband. Finally, it may be said of Mr. Frawley that his position in the profession is largely due to his energy and power of application, as well as to the systematic treatment which all cases entrusted to him receive. His judgment is sound, his powers of discrimination keen, his capacity for work unusual, and before commencing the draft of his pleadings he makes it a rule to examine and analyze a case in all its bearings. In addition to preparing a complete and exhaustive outline of each case, he classifies and keeps memoranda of all facts pertaining thereto, and reports of all decisions are classified and arranged alphabetically.

Not only has Mr. Frawley a capacity for seizing the vital points in a case, but he has also the faculty of strongly impressing his ideas upon others. Respecting the rights of his legal opponents, it should be added that he never resists a motion that ought to be granted, never refuses a continuance which is based on just grounds, and, although firm in his attitudes, endeavors always to treat his brethren at the bar with dignity and courtesy.

During the eighteen years that he has been a member of the legal profession Mr. Frawley has formed several connections. From 1881 to 1884 he was of the firm of Frawley, Hendrix & Brooks; from 1884 to 1888 he practiced alone; the following year his brother, W. H. Frawley, was his partner, and from August, 1889, to August, 1890, he was associated with H. H. Hayden as a member of the firm of Hayden & Frawley. From August, 1890, until September, 1897, Mr. Frawley had no partner, but at the latter date the present firm of Frawley, Bundy & Wilcox was formed.

In religion Mr. Frawley is a Roman Catholic.

MICHAEL GRIFFIN.

Michael Griffin was born in County Clare, Ireland, September 9, 1842. In 1847 his parents emigrated to America and after a short time spent in Canada, in 1851 they moved to Hudson, Summit county, Ohio, where the boy attended the common schools. In 1856 the family moved to Wisconsin, locating in Newport, Sauk county, where he continued his studies in the district school.

In the time of excitement immediately preceding the outbreaking of the rebellion, his patriotism was frequently aroused, and he determined that in case of war he would tender his services to his country. He enlisted at the age of nineteen, September 11, 1861, in what became company E of the twelfth Wisconsin volunteer infantry. He was with the rest of the company mustered into the United States service November 5, 1861, and was appointed sergeant on the same day. January 11, 1862, the regiment left Wisconsin, being ordered to Fort Leavenworth. March 1, it was ordered to Fort Scott, and thence to Fort Riley, on a prospective expedition to New Mexico. At Fort Riley orders to return to Leavenworth were received. From Leavenworth the regiment descended the Missouri and Mississippi rivers by boat to Columbus, and thence by rail to Corinth, where they joined Grant's army. They then marched to Bolivar, Mississippi, thence below Holly Springs, then after the capture of Holly Springs by the Confederate General Van Dorn, the retrograde movement of Grant's army was begun, and the entire command marched by way of Memphis, with Vicksburg as its objective point.

After the siege of Vicksburg they marched to Jackson and engaged in a fight with Joe Johnston; thence they marched to Natchez, then to Harrisburg, Louisiana, where they captured a confederate fort and a number of prisoners, and returned to Natchez and then to Vicksburg, and, after veteranizing, participated in Sherman's campaign against Meridian. During the ensuing winter the regiment re-enlisted as veterans and returned home on furlough. The furlough having expired, they returned to Cairo, ascended the Tennessee river to Clifton, Tennessee, crossed the mountains to Huntsville, Alabama, and then to

Rome, Georgia, joined Sherman's army while under fire, at Big Shanty, Georgia, and participated in the various engagements of the Atlanta campaign and in the march to the sea. At the battle of Bald Hill, Atlanta, Georgia, July 21, 1864, our subject was wounded in a charge upon the works of the enemy. He was marching beside his men when a small shot entered his head on the left side of his nose and passed into his right jaw. He was rendered temporarily insensible, but upon becoming conscious was delighted to perceive that the enemy had been driven from his position and that the Union soldiers were in possession of the enemy's works. He was ordered to the hospital, and, although suffering severe pain, assisted the surgeons in tending the more seriously wounded.

An incident showing his pluck and self-reliance occurred during the following day. Hearing the noise of battle, and perceiving from the location of the fight that his regiment was attacked, he rushed from the hospital to the front and took his place with the company. Having been placed on the list of wounded he was, upon the roll-call in the hospital, discovered to be missing and was reported as a deserter. His colonel was notified and amusingly replied that "he wished all the soldiers in the hospital would desert in the manner Sergeant Griffin did." He was commissioned second lieutenant February 11, 1865, and mustered as such on the 30th of the following March. He was commissioned first lieutenant July 5, 1865, but owing to the close of the war he did not muster as such until several years later, and then only to complete the record. He was mustered out of the service July 16, 1865, because of the close of the war. He then returned to Newport, and during the following fall he began to read law in the office of Jonathan Bowman, of Kilbourn City, Wisconsin. He was admitted to the bar of the circuit court at Portage City, May 19, 1868, and entered on the practice of his profession in Kilbourn City, where he resided until 1876. In addition to his professional duties, from 1871 to 1876, he also acted as cashier of the bank of Kilbourn. While a resident of Kilbourn City he held the office of town clerk, and was a member of the county board of supervisors. In 1875 he was elected to the assembly from the first district of Columbia county. In the legislature he at once took a promi-

ment position, and, although quite young at that time, was appointed chairman of the committee on judiciary, the most important of the house committees. He was also a member of the committee on privileges and elections. This committee had two contested seat cases of more than usual importance brought before it. These contests led to a most peculiar fight in the body. It finally decided to permit the contestants to appear by attorney before the house, to plead their cases. Mr. Griffin appeared for Bennett against Gray, and through his efforts and because of his faithful work, Gray, the democrat, was unseated, and Bennett, a republican, given his place in the house. He was also a member of the joint committee that investigated the administrations of Governors Washburn and Taylor, and conducted the proceedings on behalf of the committee.

At the close of the session of 1876 he moved to Eau Claire, where he has since resided, and has been actively engaged in the practice of law. He was appointed city attorney in 1878, and reappointed in 1879 and in 1880. In 1879 he was elected state senator from the thirtieth senatorial district, comprising the counties of Dunn, Eau Claire and Pierce, and served as a member of the committee on judiciary, and chairman of the committee on federal relations of the senate for two sessions of his term as senator. He was an active and useful member both of the house and the senate, reflecting credit upon himself and his constituents.

In 1889 he was appointed by Governor W. D. Hoard, quartermaster general of the state, with the rank of brigadier general, under the law. During the two years he occupied that position the Wisconsin rifle range for the militia was established at Camp Douglas, and out of the first appropriation made by the state he purchased the land and directed the construction of suitable buildings for that purpose. He has always taken a great interest in the welfare of the militia, as well as of the old soldiers, and in recognition of his earnest support one of the local militia companies has honored him by adopting the title of "Griffin Rifles" as its name.

General Griffin has been an active member of the Grand Army of the Republic since its organization, and has occupied many positions

of trust in that body. He served several times as post commander, and for two years served as judge advocate of the department of Wisconsin. In February, 1887, he was elected department commander, and served one year. As department commander he earnestly devoted himself to the interests of the order and placed its affairs in a most satisfactory condition. He is a member of the Wisconsin Commandery, Milwaukee Order of the Loyal Legion, also of the commandery, chapter and blue lodge of the Masonic fraternity, Knights of Pythias and Royal Arcanum.

He has always taken a deep interest in the welfare of the republican party, and uses all honorable means in his power to insure success to its candidates during the various campaigns. In 1890, 1896 and 1898 he served as chairman of the republican state convention that met in Milwaukee for the nomination of state officers.

In the early fall of 1894 the death of George B. Shaw left his congressional district without a representative. General Griffin yielded to the request of his friends and agreed to accept the nomination. His name was brought before the convention held in Eau Claire on October 3, 1894, and upon the first ballot he was chosen to lead the party to victory; was renominated in 1896 and served on committee on military affairs in 54th and 55th Congresses, the latter being the war Congress. As a man of business, Mr. Griffin has displayed the same ability as he has in his profession, and has been successful. He is interested in the Lea Ingram Lumber company, of Iron River; the Eau Claire Grocery company, and the Eau Claire National bank.

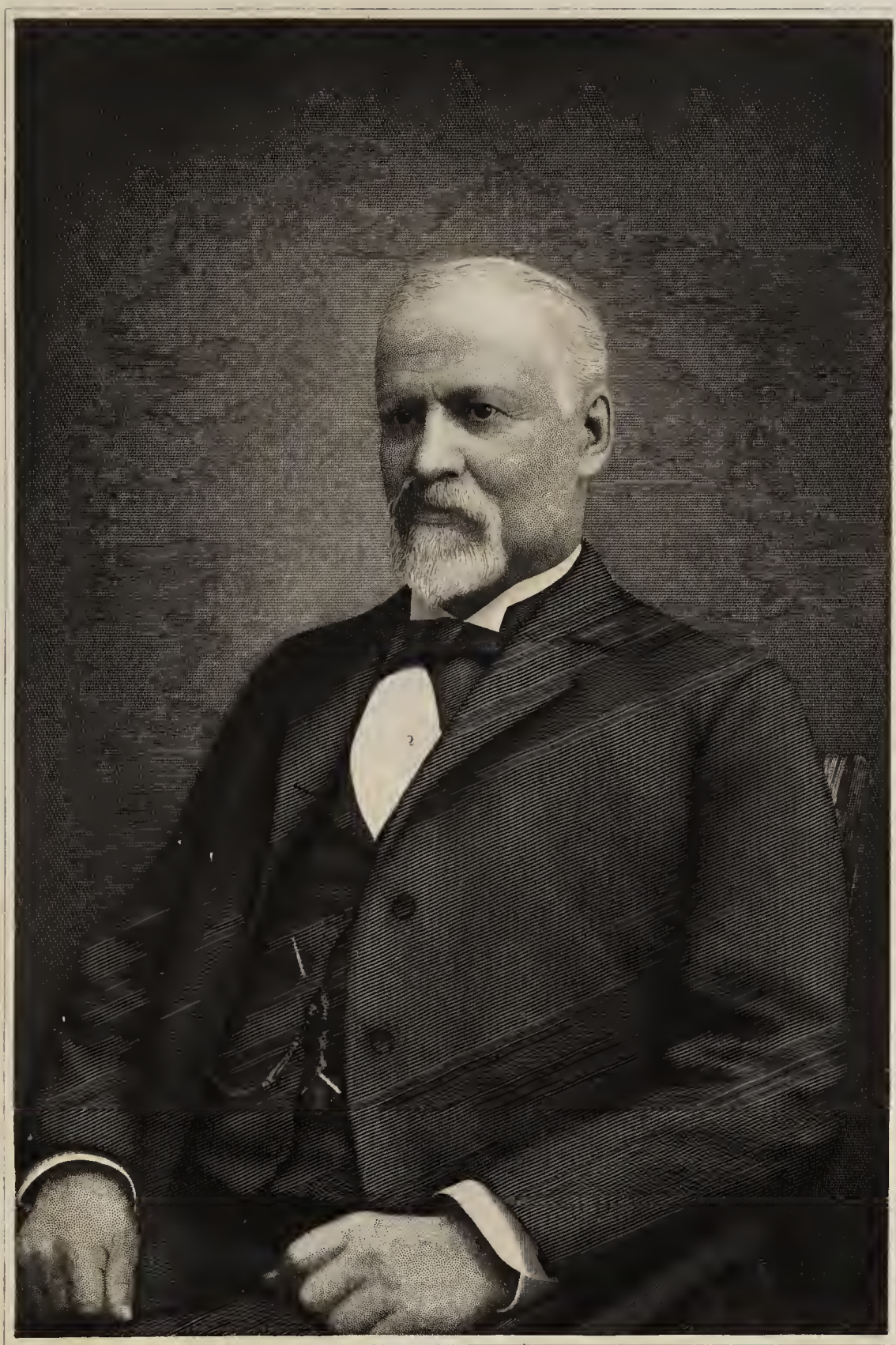
On the 6th of September, 1871, at Kilbourn City, Mr. Griffin was married to Miss Emma I. Daniels. They have had but one child, Mabel M., who died when eleven months old.

In his profession Mr. Griffin has been engaged in much of the important litigation of his section of the state. He confines his practice to civil law. He is a man who thoroughly loves his profession, and he is eminently gifted with the capacities of mind which are indispensable to success at the bar. He is an indefatigable worker, and labors as much for the love of his profession as he does for pecuniary success. Quick and keen in his perception, he has the faculty of grasping all the

details and intricacies of a case, and not losing sight of the essential facts and considerations involved in it, upon which the decision in every case finally turns. As a lawyer he has been more than ordinarily successful, and occupies a high position in the state; as a legislator he was fearless, upright, honest and aggressive; as a soldier he served his country with a degree of ardor patriotism alone can inspire, and as a citizen he commands the admiration and respect of all parties, irrespective of political affiliations or religious creeds.

HENRY H. HAYDEN.

Among the successful members of the bar of Wisconsin, the name of H. H. Hayden is conspicuous. He was born in Schenectady, New York, May 3, 1841. His father, Edwin S. Hayden, a Connecticut Yankee, was a mechanic and farmer; his mother, Matilda Hayden, nee Joyce, was of Dutch ancestry and a daughter of a survivor of the Mohawk massacre. Raised on a farm, his boyhood was uneventful. After obtaining a good common school education at Crystal Lake, Illinois, he became a student in the law office of M. L. Joslyn, at Woodstock, Illinois. His legal studies were continued in Oshkosh, Wisconsin, in the offices of Jackson & Halsey and of Felker & Weisbrod. He was admitted to the bar in September, 1871, and on January 1, 1872, located in Eau Claire, where he became associated with W. P. Bartlett under the firm name of Bartlett & Hayden. Mr. Hayden soon demonstrated his ability in his profession, and in a short time, through close application and indefatigable energy he became one of the leaders of the bar of the state. After the partnership of Bartlett & Hayden had continued for fourteen years it was dissolved, and Mr. Hayden shortly thereafter formed an association with T. F. Frawley, which continued for three years. He next admitted R. H. Start into his business, forming the firm of Hayden & Start. This partnership continued two years; since then Mr. Hayden has conducted his business alone. He has been engaged in many cases of more than local importance and has probably argued as many cases before the higher courts as any member of the bar in the state, outside of a few members of the Milwaukee bar. His knowledge of the law, his energy and industry, his tact and force before judge and



H. H. Hayden

jury have earned him a position in the front rank of a small body of men who collectively are the ablest lawyers in the state. His success is also largely attributable to the care with which he prepares his cases before trial and to the conscientious manner in which he treats his clients, always endeavoring to avoid litigation when just settlement can be obtained out of court.

Although his time is almost entirely absorbed by his profession, Mr. Hayden has become largely interested in manufacturing enterprises and financial institutions, and is the vice president of the bank of Eau Claire. Politically he is a democrat, but in common with many others of his party who were opposed to the Chicago platform of 1896, he voted for McKinley. He served in the war of the rebellion as sergeant in company H, 36th Illinois volunteer infantry.

Mr. Hayden has been twice married. His first wife was Florence Slocum, by whom he had two daughters, Avis and Georgie. On March 18, 1885, he was again married to Alice W. Ellis.

GEORGE L. JACQUES.

George L. Jacques, son of George F. and Anna (Spaulding) Jacques, was born at Delafield, Wisconsin, January 30, 1862. His father, a native of Nova Scotia, was a mechanic and farmer. The latter had settled in the United States about 1844, when he was a boy six years old, locating with his parents at Delafield. In 1874 a move was made to Calumet county, and then on to Spencer, Marathon county, afterwards settling in Neillsville, near which city he now lives. The grandfather of the subject of this sketch, William M. Jacques, was held in high consideration in his community, being one of the earliest settlers in the county and holding a number of local offices, both of the town and county. The grandfather on the mother's side, Samuel S. Spaulding, was a native of New Hampshire, where he was born in 1813. At seventeen he enlisted at Boston in the regular army, serving through the Black Hawk war, and later being stationed at Fort Howard and the fort located on the present site of West Superior. He was discharged at Fort Howard in 1835, and at once engaged there in the lumber business, erecting one of the first saw mills in the state. Seven years later, in

1842, he moved to Waukesha county, where he remained until 1871, when he moved to Minnesota and there died about 1881. Mrs. Spaulding is still living in Minnesota.

After attendance at the high school at Chilton and also at the Whitewater normal school, Mr. Jacques determined to take up the legal profession. He taught school for some time in Greenwood, and then moved to Neillsville, where he studied law with James O'Neill, editing at the same time the "Neillsville Times." Having taken his examination at Milwaukee, he was admitted to practice in 1885.

An office was immediately opened by him in that town, where he has since practiced his profession. His law work has been of general character, although, when possible, he has made a specialty of land titles, and has considerable local reputation for proficiency in tax title litigation. As district attorney he had the handling of many cases of local interest and was noted for the ability and vigor with which he prosecuted and the fairness of his methods.

Mr. Jacques has served for twelve years in the Wisconsin national guard, and is now the third oldest member of company A, third regiment. Having been the company coach in rifle practice for several years he justly takes great pride in the proficiency of his company in marksmanship.

Of the republican party he has been an active member, and for a number of years was chairman of the county committee, while in 1889 he was chairman of the republican committee of the twenty-fifth senatorial district. Since Blaine ran, in 1884, he has been an active worker for his party and has been on the stump in all campaigns. In the last presidential fight, a work of his on the financial question attained large circulation through the states of Minnesota, Wisconsin and Michigan, and was received with favorable comment. In 1886 he was city attorney and in 1894 and 1895 he was for one term district attorney. He held the office of justice of the peace in 1884 and 1885, and in the spring of 1897 was elected county judge to take office January 1, 1898.

The Independent Order of Foresters numbers him among its members, and at the present time he is one of the trustees of the local camp.

Mr Jacques was married November 9, 1885, in Waukesha county,

to Barbara Schwinn, a native of New York state. They have a family of three children: William H., Margaret, and James T.

An ardent sportsman, very fond of rod and gun, he finds considerable recreation in military shooting, being one of the best military shots in Wisconsin.

ROBERT J. MACBRIDE.

Mr. MacBride was born in Philadelphia, June 28, 1847; his education was obtained in the public and high schools there. He came to Wisconsin in 1866, and settled at Neillsville, Clark county, where he has continued to reside. He was admitted to the bar in 1871 by Judge Romanzo Bunn, then judge of the sixth circuit.

Mr. MacBride has often been honored by the people of his county with official position, having served as a member of the county board; as county judge from 1869 to 1877; as member of the assembly in 1882 and 1883. He was state senator, representing the counties of Clark and Eau Claire, in the sessions of 1891 and 1893. In 1883 he was chairman of the judiciary committee of the assembly; at the regular session of the senate in 1891 he was chairman of the committees on incorporations and federal relations; at the special sessions of 1892 he filled the important position of chairman of the joint committee on apportionment, and in 1893 was again chairman of the committee on incorporations.

During that session he was president pro tempore of the senate. On the 24th of August, 1894, Mr. MacBride was appointed, by President Cleveland, United States consul to Edinburgh, Scotland, which office he held until his retirement, in November, 1897.

Returning to his home, Mr. MacBride resumed the practice of his profession at Neillsville, having for a partner his son Robert.

Politically, he has been a democrat, and has long occupied a prominent position in his party. He has been a delegate to at least two national conventions of his party—in 1880 and 1888. His presence at state conventions is very familiar. In 1892 he was chosen one of the presidential electors for the state at large, and at the meeting of the electoral college in 1893 presided over that body.

In his profession Mr. MacBride occupies, and has long occupied, a

very respectable standing, and has enjoyed a good practice. He has faithfully executed every trust committed to him, and therefore deserves the confidence and esteem which have so long been reposed in, and entertained for him.

LEVI M. VILAS.

Levi Madison Vilas, formerly of the Eau Claire bar, and at the time of his death judge of the district court for Ramsey county, Minnesota, was born February 17, 1844, at Chelsea, Orange county, Vermont. He completed his general education in the university of Wisconsin, from which he was graduated in 1863. His graduation from the Albany law school occurred in 1864, in which year he was admitted to the bar in New York. Returning to Madison, the residence of his father's family, he engaged with his brother, William F., in the practice of the law for about a year, after which he went into the quartermaster's department of the army as chief clerk, remaining in that position two years. In 1868 he removed to Eau Claire, Wisconsin, where he built up and maintained a large practice. While in Eau Claire he was elected to the offices of city attorney, in 1872; mayor, in 1876; district attorney, in 1877 and 1879. In June, 1887, Mr. Vilas removed from Eau Claire to St. Paul, Minnesota. His reputation as a lawyer had preceded him, and it was not long until he was entrusted with all the business he could attend to. Less than two years after becoming a resident of St. Paul Mr. Vilas was selected by the governor (a republican) for judge of the district court for Ramsey county, which appointment was accepted and the duties of the office entered upon. But the worthy recipient of that honor was not long permitted to hold the scales of justice; disease, even at the time of his removal from Wisconsin, had laid hold of him, and on August 25, 1889, he passed away at the family home in Madison.

Levi M. Vilas was an excellent lawyer. His standing in the profession was such as any member of the bar might envy; such as cannot be reached otherwise than by the diligent application of a trained and strong mind. His manner of expression was marked; his style was his own—clear, terse and strong. His voice was strong, but musical. His appearance was prepossessing, and indicated great strength. His

mind was eminently judicial, and had his life been spared his record as a jurist could but have been equal to that he made as a lawyer; indeed, he would, in the opinion of the writer, have excelled as a judge. His merit in this direction was recognized by a large number of his professional brethren some years before he left Wisconsin, by asking him to become a candidate for associate justice of the supreme court. No doubt that position would have been in accordance with his taste; but he declined to become a candidate for it.

In politics Mr. Vilas was a democrat; but he was not a politician. He did not forget that the law is a jealous mistress; he paid diligent court to her, and was rewarded accordingly. His personal character conformed to his professional; another illustration of the fact that the really good lawyer must be a good man.

